

Chapter 2

The Principles of Ethics

The occasion for the formulation of the generally accepted principles of ethics was a series of politically sensitive scandals, all in the early 1970s. The medical profession was stunned by a 1966 article in the prestigious *New England Journal of Medicine* by anesthesiologist Henry K. Beecher, “Ethics and Clinical Research,” in which the author documented repeated abuse and deception of patients in the name of the scientific search for knowledge—experimentation with human beings. Then there was the exposure of the Tuskegee Study (of untreated syphilis in African American men), which emerged in the *Associated Press* in 1972, a study also conducted to find out more about the course of the disease, quite without the consent of the patients. (Nine years later the report came out in book form, in James Jones’ *Bad Blood*.) Then came the famous (or infamous) Supreme Court Decision, *Roe v. Wade*, in 1973, and almost immediately reports began to circulate about gruesome experiments performed on fetal remains. When Caroline Kennedy, daughter of President John Kennedy, joined the demonstrators picketing the White House demanding an end to the fetal experiments, Congress knew that the time had come to act. It announced that all these abuses would immediately be dealt with, and formed a committee, the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, to draw up regulations to govern all conduct of clinical research. The Commission was composed of many of the best scholars of religion, ethics and medicine in the country, and was given a free hand. Congress stipulated that the members must be drawn from different backgrounds and persuasions, to ensure that all voices in the national moral chorus were heard; somewhat to the surprise of the academics observing the process, the members did their work thoroughly and well.

How had they avoided the conflict invited by their ideological diversity, and managed to work together so well? The Commission realized early in its deliberations that they had no common history of ethical conviction on which to draw, so they homed in (according to one of their chroniclers, Stephen Toulmin) on the material that had inspired their creation: cases of clinical research that potentially or actually posed ethical problems. “The Case Method,” we call it in the

classroom, and it works by analogy. When we find a case on whose merits we can all agree—it was right, or it was wrong—we plant it in the middle of the ethical field, and as each succeeding case comes along we look for parallels and dissonances. By this method, according to the accounts, they concluded a series of reports on the conditions of permissibility of research with children, fetuses, those institutionalized as mentally infirm, and several other categories. At the end of it all, they gathered—in California, or possibly in Massachusetts, reports differ—to ask themselves what justifications they had used in fact, to reach their conclusions—to what principles had they in fact appealed in deciding ethical questions. The principles they came up with were individual autonomy (the consent of the subject of the research was essential, and the subject could not be deceived), non-maleficence (The subject must not be harmed by the research), beneficence (the research had to be directed to a worthwhile purpose), and justice (the benefits of the research had to be widely applicable, and the subjects must not be taken only from disadvantaged populations—the Tuskegee experiments were clearly at the top of their minds).

These principles have wider justifications than the fact that very good ethicists came up with them in the late 1970s in Massachusetts or California. Consider: Ethics is about human beings. The values that we have appealed to quite uncritically in the preceding stories—values of rescue for the distressed, of fair treatment, of neighborhood peace and respect for rights—are not arbitrary or merely conventional. We can discover their foundations in the life of the human being, and derive them from fundamental aspects of human nature. The human being, and human nature, are endlessly complex, of course; yet the human being is universally recognizable to others of the species, and their preferences are very generally predictable. So if we avoid the complexities of the outer limits of human potentiality, it should be possible to say enough about the fundamentals of human morality just from the easily discoverable truths about the human being. The discussion links in a fairly straightforward way with the major ethical orientations which philosophers have, through our history, adopted, as reflective of these most basic moral principles (The discussion that follows recapitulates the discussion in the Introduction).

Then what are human beings about? Given the normative premise, that moral principle must be appropriate to human life if they are to govern human life, three basic, simple, readily observable facts about human beings determine the structure of our moral obligations:

2.1 Beneficence: People are Embodied

People are animals. They have bodies. They are matter; they exist in time and space and are subject to physical laws. These bodies are organic processes, requiring regular sustenance internally, and suffering all manner of slings and arrows of violent change externally. They experience pain, deprivation, and danger. They are

prone to periodic failure unpredictably and to ultimate failure inevitably; they are mortal.

Then people have needs that must be satisfied if they are to survive. They need at least food, water, and protection from the elements and natural enemies. That means that they must control the physical environment to make from it the means to those ends. Failure to do so will lead quickly to pain and suffering. These are inevitable in any case; in this way we are reminded of our mortality.

The first and immediate implication for ethics is that, if we have any reason to care about human beings, then the relief of that suffering and the satisfaction of those needs should be our first concern. In philosophical terms, human need and vulnerability to harm give rise to duties of compassion (for suffering), non-maleficence (avoiding harm), and more generally, beneficence: working to satisfy human need, maximize human happiness, optimize human interests in all respects.

In general, the moral reasoning that takes help and harm to human beings as the primary determinant of the rightness of action is called “utilitarianism,” following John Stuart Mill’s description of that reasoning. (Mill 1859)

2.2 Justice: People are Social

Social animals regularly live in large groups of their own kind (i.e., in groups containing several to many active adult males); individuals raised apart from such groups exhibit behavior that is, and they are themselves, abnormal for the species. Whatever problems, therefore that people have with their physical environment they will have to solve in groups. They will soon discover that this necessity produces a new set of problems; they must cope with a social environment as well as the physical one. That social environment produces two further needs: for a social structure to coordinate social efforts, and for a means of communication adequate to the complex task of such coordination. The need for communication is fulfilled by the evolution of language.

The implication for ethics is that, given that there are so many of us, we must take account of each other in all our actions. We come saddled by nature with obligations, to the group in general and to other members of the group in particular, that we cannot escape or evade. Normal people (not psychopaths) seem to know this without being told. By nature human beings try, most of the time, to do good and avoid evil, in advance of knowing just what counts as good or evil. The attempt to do good, to others as to oneself, involves the adoption of “the moral point of view,” or a stance of impartiality with regard to the distribution of benefits and burdens. Fairness, or justice, demands that we subject our actions to rule, and that the rule be the same for all who are similarly situated. What will make an act “right,” ultimately, is not just that it serves individual happiness but that it serves the whole community; people are equal, and since equality is itself a value (derived from “equal dignity”) the society must deal with them equally unless good reason is given for differential treatment.

Two philosophers who took Justice as central to their understanding of ethics were R. Edward Freeman of the University of Virginia, author of Stakeholder Theory, and the late John Rawls of Harvard University, whose landmark book on the subject he summarized in two simple principles, which he argued would provide the foundation of a just society:

Liberty: each person shall enjoy the greatest liberty compatible with a like liberty for all;

Difference: Equality of positions shall be maintained, unless it can be shown that

1. the creation of the inequality is advantageous for everyone (not just the ruling elite, not just the majority) especially the least advantaged;
2. the positions so created are open to all on the basis of equal opportunity. (John Rawls 1970)

2.3 Respect for Personal Autonomy: People are Rational

Normal adult human beings are able to consider abstract concepts, use language, and think in terms of categories, classes and rules. Since Immanuel Kant, we have recognized three categories of thought that characterize the way human beings deal with the objects and events of the world. These are time (when did something happen? in the past, the present, the future; and how long did it take? duration); space (where is some object? or how far away is it? location, bulk, distance); and causation (how did something happen? what brought it about? antecedents, agencies, powers, consequences). “Rationality,” of course, in our ordinary discourse, means a good deal more than the basic ability to think in terms of when, where and how. Ordinarily we use the word to distinguish calm and dispassionate decision making from “emotional” or disorganized decision making; we use it to distinguish people capable of making good decisions from people who are not. But for our purposes here, we need go no further with the word. The creature that is “rational” will think, on occasion, in general terms, about classes and laws, extending over time, space, and possibility, while the creature that is “not rational” will think, if at all, only about particular (individual) objects or events.

Since people are rational, they can make rational choices. When people think about action they think in terms of classes of acts as well as individual acts. For instance, if my neighbor has a particularly attractive knife, and I desire to take it from him, and am currently making plans to do so, I shall make my plans based on what I already know about all cases of people taking things from other people. And I can contemplate not only those past acts of taking, and the present plan to take that knife, but all cases that will ever be of taking, especially of knives—future acts as well as past and present acts. But in that case I am thinking of action not yet taken, of action therefore undetermined, for which real alternatives exist. Since people can conceive of alternatives, they can choose among them—having

thought over the circumstances, and deliberated on the outcomes, they can decide what to do. Put another way: I do not have to take that knife, if I have not yet done it. People are free, as we say, or autonomous moral agents. But then they can also realize that they could have done differently—I did not have to take the knife, and given my neighbor's understandable grief and anger at its loss, maybe I should not have. That is, I can feel guilt and remorse and assume responsibility for having chosen as I did.

As far as we know, we are alone among the animals in possession of this ability. Since people can conceive of classes of acts for which alternatives exist, they can make laws to govern acts in the future, specifying that the citizens (or whoever may be bound by the law) ought to act one way rather than another. No one, for instance, ought to take things that do not belong to them, and such takings, henceforth to be called “theft,” shall be collectively punished. General obligations can be formulated and articulated for a whole society. Collectively (acting in their groups), people make collective choices, especially choices of rules, rather than relying on instinct; and they are then collectively responsible for those choices and individually responsible for abiding by them.

Rationality's implication for ethics is that, as freedom of choice is the characteristic that sets humans apart from the other animals, if we have any duty to respect human beings at all, it is this choice that we must respect. Persons are categorically different from the things of the physical world. They have dignity, inherent worth, rather than mere price or dollar value; they are bearers of rights and subjects of duties rather than mere means to our ends or obstacles to our purposes. Our duty of respect for persons, or respect for persons as autonomous beings, requires that we allow others to be free, to make their own choices and live their own lives; especially, we are required not to do anything to them without their consent.

Just as utilitarianism makes human happiness central to ethics, and the Rawlsian account of fairness makes justice central, a complete theoretical account of ethics can follow from the value of human autonomy. The philosopher most identified with the centrality of autonomy and moral agency to ethical theory is Immanuel Kant (Kant 1785).

2.4 The Human Condition

In summary: By 3, above, humans have minds, or as the philosophers call it, a rational nature; and by 1, above, humans have an apparently limitless capacity for physical and psychological suffering. Rationality and suffering are not found together anywhere else; possibly the angels have the first, and surely all beasts possess the second, but only human beings appear to be able to reflect upon their own suffering and contemplate the suffering of others of their kind, and that sets them apart from all creation. By virtue of rationality, human persons possess dignity and command respect. Ultimately, that respect entails the willingness to let

other people make their own choices, develop their own moral nature, and live their lives in freedom. By virtue of that abysmal capacity for suffering, the human condition cries out for compassion and compels attention to human well-being and the relief of pain. And by 2, above, this condition is shared; we are enjoined not only to serve human need and respect human rights, but to establish justice by constructing a political and legal structure which will distribute fairly the burdens and benefits of life on this earth in the society of humans. These most general concepts: human welfare, human justice, and human dignity—are the source and criteria for evaluation of every moral system authored by human beings.

The same concepts are the source of every moral dilemma. Attention to human welfare requires us to use the maximization of human happiness (for the greatest number of individuals) as our criterion of right action. Attention to the needs of groups, and of social living, requires us to set fairness for all above benefit for some as our criterion. Yet duty can require that we set aside both the feelings of the groups and the happiness of the individual in the name of respect for human dignity. To protect the welfare of many it is often necessary to limit the liberty of the individual (the liberty to operate dangerous or noisy vehicles without a license, for instance). On the small scale as well as the large, to respect the liberty of persons is not always to further their best interests, when they choose against those interests (for instance, by taking addictive drugs or by spending themselves into debt). To maintain a rough equality among persons, it is often necessary to put unequal demands on the interests of some of them (by progressive taxation, for example). To preserve the community, it is sometimes necessary to sacrifice the interests of the few—but that course seems to discount the worth of the few, and so to violate justice.

2.5 The Basic Imperatives

Such conflict is fundamental to ethics, and is the major reason why ethics is famous as the discipline that has no clear answers. The human being is a complex creature, and when we extract human values from that complexity, we find them logically independent at the least, and often in opposition. There are, by tradition, two ways to formulate the opposition:

1. As a conflict of *values*: A value is a desired state, which we try, in our dealings, to advance or enhance or promote. The concepts so far discussed can be treated as values that are difficult to pursue simultaneously—the happiest society, the fairest or most equal society, the most free society or the lifestyle incorporating the most freedom.
2. As a conflict of *imperatives*: An imperative prescribes a duty to do or to forbear. It is occasionally more useful to see ethical conflict as a conflict of injunctions or prescriptions telling us what to do in any given situation. We are told—by the Law and the Prophets, by our religion, by our parents, by our employers, by

the civil law—that we must respect the rights of others, be fair to everyone, and serve each other’s needs. Sometimes it is not possible to do everything at once.

Over against every clear value, there is another value, which sometimes conflicts. Over against every clear imperative, there is a contrary imperative, equally clear, which sometimes applies. Ethics is the discipline that derives these values and imperatives, works out the consequences of our efforts to protect them, and musters what light it can to show us the possible reconciliations and the necessary compromises that attend their application in practice.

The terms “principle,” “imperative,” and “value” are sometimes used interchangeably. We will attempt to use “concept” to mean the principle in the form of a definition, as above; “value” as a desired end-state, to be achieved or enhanced; “imperative” as a prescription of duty. Morality is sometimes best understood as a system of imperatives, and generally imperatives are cited as the basis for the conclusions of applied ethics. Thus the three concepts (welfare, justice and dignity) correspond to the three fundamental imperatives—beneficence, justice and respect for persons.

1. Centering on welfare: Do No Harm, and Where Possible Do Good: Because we must live, and because we can suffer, we must value life and happiness: safety, protection from harm, absence of pain, hunger or suffering of any kind; enjoyment, pleasure. That is, we have an obligation to help and protect each other, to relieve suffering, to choose each action, or rule of action, according to the amount of pain it will relieve or happiness it will provide. This general duty we call **beneficence**, or concern for welfare. This imperative is often broken down into four logically related but different prescriptions:

- a. Do no harm (the duty of **non-maleficence**): In the pattern of duties to do good and to avoid harm, this duty is the negative, individual, and immediate part. (For instance: no matter how much fun it would be, do not blow up the bridge).
- b. Prevent harm wherever possible (the duty of prudence, or stewardship): this duty generalizes the one before, enjoining us to attempt to keep agencies besides ourselves from doing harm (If the bridge is near collapse, act to shore it up and keep people off it until it is fixed.)
- c. Remedy harm wherever possible (the duty of compassion or charity): this duty is the proactive equivalent of the two before, enjoining concern for suffering and positive efforts to relieve it (If the bridge has collapsed, pull the people out of the water, even if you don’t know them and have no other obligations to them).
- d. Do good, provide benefit, wherever possible (Build better bridges).

Note that in this pattern of duties, the duty of non-maleficence takes moral priority (i.e., if you can provide benefit to many people, only at the cost of doing harm to a few, there is a presumption against doing whatever would result in the benefit and harm). The second two follow from the same presumption, and the last

comes into play only when the others are taken care of. The priority of non-maleficence can, of course, be overridden, as when the state takes my property to build a road, doing harm to me in order to do good for many; but it can only do so on proper authority, with at least an attempt to provide compensation, and on presentation of compelling reasons.

2. Centering on Justice: Observe the Requirements of Fair Dealing: Because we must live together, we must adhere to rules of equal treatment, justice, fairness, and rule of law (equality before the law); trust and trustworthiness, honesty in word and deed. Then we have an obligation to acknowledge our membership in, and dependence on, the human community and the community in which we live—to contribute to its life, obey its laws, customs and policies, to be honest in all our dealings with our fellows and above all to hold ourselves accountable to them for our actions, especially as they affect others. This duty we call **justice**.

This duty also has recognizable sub-imperatives:

- a. Obey the law and the codes of your profession. All are equally bound by these general prescriptions, and it is not fair to make an exception of yourself. Also, as possible: take responsibility for enforcement.
 - b. Treat all groups alike: do not condition treatment of persons on their membership in a favored group. This is the duty of non-discrimination, or provision of equal opportunity.
 - c. Act affirmatively to remedy the results of past injustices; wherever possible, seek out the least advantaged and the previously excluded for occupation of preferred posts.
 - d. Recognize merit; treat people as they deserve to be treated based on what they have done or merited. Included in this general duty is the more personal duty of gratitude.
3. Centering on dignity: Respect Persons (as autonomous beings): Because we aspire to the full potential of humanity, we must value freedom. We take liberty, autonomy, rationality to be ideals, and value them in others as much as we prize our own. The human enterprise is an endless quest to become better, wiser, more loving people, and we must cultivate people and institutions that will protect that quest. We have an obligation to respect the choices of others, to allow them the space to live their lives, to the end, the way they see fit. For ourselves, we have the obligation to realize our own potential, not only to discern for ourselves the moral course of action, and to take responsibility for the moral choices we make, but to extend our knowledge and the scope of our reason to become as fully as possible the autonomous persons we are capable of being. This duty we call **respect for persons**.
Again, more specific duties can be derived from Respect:
 - a. Tell the truth: the duty of veracity or truth telling is primarily derived from the duty to enhance autonomy by making rational decision possible.

No person can act rationally if denied the truth. From this duty we derive the requirement of informed consent in the health care professions, and the duty of full disclosure in law and business.

- b. Celebrate differences, whether individual or cultural. Create a positive atmosphere for the developing of idiosyncratic lifestyles that fulfill individual needs and preferences—as long as they violate no one else's rights.

Clearly none of these imperatives is optional. We cannot choose not to have bodies. We cannot choose not to need each other, and although we may sometimes wish we could, we cannot choose not to choose, not to be free. And these imperatives are logically independent one from another. They can conflict. All ethical dilemmas follow from that fact.

2.6 Some Cases to Illustrate the Dilemmas

Let's consider some of the problematic instances. How do we balance beneficence, the greatest happiness for the greatest number, for instance, with the requirement of honesty, which is a moral imperative based on individual integrity? Central moral values, like the requirements above, of integrity, reason and impartiality, precede ethics. One of my colleagues suggested the following case, based on a real event:

2.6.1 *End of Year Bonus*

The last day of school before Christmas break was also Mary Kantarian's last shot at making sure she qualified for her top bonus level award. She was having a great year as the Northeast regional manager for the educational division of Delphi Technology. Delphi's new multimedia programs were immensely popular with secondary school educators across the country. As the year was closing down, Mary had converted all of her current sales leads to meet her year-end sales goal of \$1,000,000. At least that's what she thought as she contacted her sales manager, Dave Jennings, on her cell phone.

"You are still \$1,000 short of the bonus level," Dave reported. "I just received your latest net sales printout and that's where you stand. Unless we receive a minimum order from your territory before the end of the year, it looks like you'll miss out on your \$10,000 bonus award for reaching the million dollar mark."

Just \$1,000 short! What a bad break! Sure, her regular commissions on her sales added up to a respectable annual salary, but the \$10,000 bonus award was what she was counting on to help meet the down payment on the new home she and her husband had been trying to finance for several years.

With just a few hours left before the close of the school day—and the end of her sales quota period—Mary had what appeared to be a solution just a few blocks away. The head of the social studies department at Lincoln High School loved Delphi's programs, but beleaguered Lincoln High had no funds available. Many students attending this inner-city school had to share textbooks! A call to the school earlier in the day revealed that the money situation hadn't changed.

But—why not just pay for the program herself? Mary could provide the money for a minimum \$1,000 order right now to the school so the department head could issue a purchase requisition today! The school would gain an immensely valuable educational program and she would meet her coveted million dollar sales quota. (And earn \$10,000 on a worthy investment of \$1,000.) Surely—this is a win-win situation. Or is it?

It does not appear that the company intended to reward this type of behavior when they set the incentives for their salespeople! But it is Mary's own money. Does the dishonesty involved in sending in these new sales figures outweigh the rewards for the company, the school—and Mary? It sounds like a good deal: everyone wins, no one is hurt, and as for the source of that money, no one's the wiser. It might be noted that that is precisely the sort of thinking that led to many of the worst business scandals of the last decades.

Let's take another conflict, this time between another permanent value, the value of human life, and the imperative of beneficence.

2.6.2 *Baby Samantha*

Baby Samantha was born with staggering injuries to her nervous system. The skull lay open, at birth, to the air; the brain was largely outside the skull. There was no obvious way to get it back in, had any been motivated to try, which no one was. So situated, the brain was not connected with any sensory organs, or indeed with most of the rest of the body. The brain stem was intact, so the child was breathing, but there was no other role for that detached organ.

The physicians met with Carol, Samantha's mother. They explained the devastating nature of the baby's injuries, and told her that she was free to choose that no further medical intervention would be employed. The baby would be kept comfortable until she died. Carol insisted that her religion forbade her to "choose death," and that the baby should be given "every chance" at life. Surgeons reluctantly amputated the portion of the brain irrevocably outside the skull, and placed the baby on life support (feeding tubes, antibiotics, and anti-seizure drugs.) When it became clear that no further medical treatment would help her, she was moved to the Sycamores Home for the Elderly and Long-Term Care Facility, run by the Town of Belleville and currently administered by Director Geoffrey Baumgartner. She was to be left there until she died.

Four years later, the child is still alive. Her management has become a nightmare to the staff and especially to Geoff Baumgartner. What's left of her brain has constant seizures. The sites of the connections to her body of the tubes that bring food into her stomach and carry away her wastes are continually infected. She's received so many antibiotics that they have little effect anymore, so the Home has to use more and more expensive ones. Her mother, who still visits now and again, and insists, contrary to fact, that she sees responses from her daughter, is penniless, so the only support is from Medicaid. Medicaid doesn't begin to reimburse the expensive medication, let alone the endless labor of caring for the child. Samantha is the cause and center of two ongoing crises: the crisis in staff morale resulting from the apparently fruitless task of "tending this vegetable," and the financial crisis of the Home, bad enough in any case, that Samantha makes dramatically worse. It's Geoff's job to manage both crises, and he doesn't think he's doing a very good job.

"Can't we just stop pumping antibiotics into her and let her die?" one of the nurses asks him. Geoff had already asked the Home's lawyer about that, and been told that there are no direct precedents, but probably not. The mother has threatened that she will sue the facility for neglect should the child die, on grounds that Samantha is a Disabled Person

under the Aid for Disabilities Act, and therefore deserves every effort to preserve her life—or, “life,” you might want to say. On the other hand, what judge would impute malice if Samantha simply died of a runaway infection?

What should Geoff do?

This case is not unusual for any hospital or long-term care Home that shelters impaired infants. Agonizing decisions are made every day, attempting to balance the interest in preserving the infant’s life (which is what they were set up to do) with the equally strong imperative not to allow unnecessary suffering. Prolonging life with no sentience, or quality of life for the infant, and with a grim prognosis for any future, is not generally held to be morally obligatory, and the parent’s interest in keeping the child alive is not supposed to weigh in the balance at all. But in this area, the law—rather, the possible outcome of any lawsuit—is uncertain, the mother’s love is clearly genuine, the financial problems of the Home (which are also not supposed to weigh in the decision at all) are serious, and the dilemma facing the administrator of the Home is real. No simple appeal to clear and accepted values will solve his problem here.

In both cases above, the universal ethical imperative of beneficence is set against a primary moral commitment, one that costs us dearly to ignore. When the issues become more complex, we can see the three basic imperatives set against each other. Consider the following case, hypothetical in this version but based on numerous real ones.

2.6.3 *The Alcoholic in the Workplace*

(Note: this case demonstrates the peculiar intractability of this type of ethical dilemma. In the “A” portion of the case, the three major principles suggested by your text are in direct opposition. In the “B” portion, the arguments for **both** sides are drawn from the **same** principles, not because the principles mean nothing or the participants are arguing incorrectly, but simply because our calculations of benefit are necessarily speculative, our assessments of justice depend on the framework adopted, and our respect for human dignity can be expressed in one of several ways.)

A. An Employee with a Problem

A tense meeting in the office of Mr. R. Howard Williams, Vice President for Personnel (Howie, in what follows), on the case of Mr. Francis J. O’Brien, Director of Special Accounts, Finance Department (Frank), on the request of Mr. Joseph Machowski, Vice President for Finance (Joe), of the Allbest Engineering Division. All three parties are present.

Howie: (after good mornings, offerings of coffee etc.) Joe, you’re the “complainant,” as it were, why don’t you present the complaint.

Joe: Sure. Frank and I have been working together, more or less, for over seven years now, and I have a great deal of respect for him as a person, Frank, I want to say that right now. But in the last seven or eight months there’s been nothing but trouble, and if it were up to me we’d have let you go by now, I guess you know that. There was the time in April when we needed the data on the Stoddard account for the planning meeting, and it was your responsibility to get it there, and you were nowhere to be found, and neither was the data. Then there were the long lunch hours that we only found out about when your secretary was sick and the substitute found out that she was supposed to cover for you from one to two-thirty in the afternoon! Whatever else you can do with secretaries in these liberated days, you can’t ask them to lie for you—it’s just not fair. Then you were due for the

Department meeting in early May which we hoped to be able to pick up the pieces from the April fiasco, and you checked out “sick” two hours before the meeting. All the rest of us had to stay half the night getting the paperwork done around you.

And speaking of “sick,” you’ve missed six Mondays, out “sick”, out of the last fourteen. Someone has to do your work when you’re out, you know. You are just not carrying your share of the load. You missed the July 1 Department Report deadline, Howie, I’ve got all this in black and white. I spoke to you about the Stoddard account, and when I found out about the lunch hours I put a disciplinary note in your file. Another went in after you missed the May meeting, and a final warning after July 1. After I noticed the Monday pattern I started to process the papers for termination, and found out I had to go through this office, not my choice. That’s why we’re here.

Howie: That’s **one** of the reasons why we’re here. Joe, as a good supervisor, you have documented performance and stopped there. But I have to look into causes and cures. I know you’ve been happy with Frank’s work in the past, and that you would be happy to keep him on if he could be restored to full performance. I also know that it would cost the company almost \$100,000, all things considered, to separate Frank, hire a successor, and train him or her to do Frank’s job. And I suspect that Frank would rather keep his job than be fired! So we serve everyone’s interests if we get Frank working well again. And I think we can do that.

Frank, I know some things that Joe does not. Two of your co-workers have come to me, independently, worried about your drinking. Your neighbor Walter, who plays tennis with me, has mentioned his concern over the times you’ve arrived home clearly under the influence of alcohol, once driving over a corner of his lawn. His wife noticed alcohol on your breath at a neighborhood meeting two months ago. And our health center’s part time medical staff member circulated a set of physical symptoms of alcohol abuse—including mottled face and hands—that describe you to a T. Now wait a minute, before you get mad, I know full well that none of this is “evidence” that would stand up in court. But court is not my concern. I want to help you and help the company at the same time. You probably know already that you’re in a pattern of alcohol abuse that can land you out of a job, out of health, out of life. This is probably a part of other troubles, including the problems with your wife that you’ve told some of us about. No we are not spying! The only reason I listen to this “gossip” is so that, sometimes, I can help. We have rehabilitation programs for immediate help, family therapy to help both you and your wife get a better grip on your problems, and connections with Alcoholics Anonymous and Alanon for long term support. Listen to me, Frank. You, your family, and the company will all get through this in decent shape if you will let us help you.

Frank: Finally I get a word in edgewise? Thanks. I have very little to say. Joe, you and I have not gotten along, and it’s not entirely your fault. I thought when I joined on here that the Finance division was a short assignment until a position opened up in Marketing, where I can use some creativity in my job. I’ve repeatedly put in for the switch but no one can quite find the way to get me over there. I’m sorry if my work doesn’t seem to be a model of good attitude, but that’s why. And when you look at all the stuff you’ve got in black and white, there really isn’t much there. I did miss a deadline or two, but every one of my counterparts in other Departments has, too. You guys call these meetings out of the blue, demand full reports from all of us, and then get all huffy when we can’t supply them just like that. Sorry about that missed meeting; you have me dead to rights there. I just forgot about it. One meeting in nine years? And you were going to fire me? I think after nine years I deserve an occasional long lunch, and if you believe that secretarial scuttlebutt about “forcing me to lie for him,” you’re dumber than I think. As for the Mondays, I have a nasty case of gastroenteritis that has a way of flaring up after a weekend’s eating and drinking; sorry about that too. Yes, drinking, Howie, and whatever you may have heard from the nosy neighbors, I’m not a drunk, and I have problems enough without well-intentioned busybodies trying to reform my life for me. I value my privacy, and my freedom to choose my own lifestyle, and I think, as an adult, I’m entitled to them. What I do on my own time is my own affair. I may change the medication for the gastroenteritis,

or I may not. I will try not to be late or absent any more. But you don't have enough in that file to fire me, and you don't have any right to run my life for me, no matter what your opinions of me may be. I'd appreciate it if you'd leave me alone.

Who's right?

Incidentally, Frank did, eventually, opt for the rehabilitation route. That was not the end of the story. It continues in what follows.

B. A Case for the Corporate Ethics Committee of Allbest's Engineering Division (AED)

Mr. R. Howard Williams, Vice President of Personnel (Howie in what follows), presenting the case to the committee: Gentlemen, thank you for agreeing to help us decide this case. It concerns the Director of Special Accounts in the Finance Department, Francis J. O'Brien, who has been with the company for a little over nine years. Frank was diagnosed alcoholic about a year ago, went through a course of rehabilitation at our expense, seemed all right and returned to work; now he's drinking again. He's been suspended without pay for one week, by which time we have to decide whether to put him through rehabilitation again or terminate his employment here for good. As you may know, this case has been placed before our committee at the request of Robbins Brown, President of this Division, and...

Mr. Joseph Machowski, Vice President of Finance (Joe in what follows), interrupting: Howie, can we make this quick? I've got two more meetings this morning and a desk full of work.

Howie: OK, Joe, why don't you go first? You're Frank's direct superior, after all.

Joe: Thanks, I guess. I am not, for starters, familiar with this procedure. We have here a case of a bad actor, we've done everything we can for him, and why Rob Brown wants you to get involved in the case is beyond me. Anyway, Frank was hired nine years ago to fill a low-level vacancy in the finance department. He's pretty good with numbers and in a few years was promoted to credit manager. He was perfectly competent to manage the accounts, but couldn't get along with his supervisor, so we moved him into an auditing position. He claimed that with his winning personality he should be in marketing, but Sandy Levine, then VP of Finance, argued that his talents seemed better suited to finance, so he stayed in our division. When we promoted him to Director of Special Accounts, he still said he wanted to be in marketing, but there wasn't a position open. In his present job he has a lot of freedom of action, so I'm not on top of how his performance went from day one, but about a year and a half ago it started to go directly down hill—missed deadlines, missed meetings, absenteeism, just very poor. Disciplinary notices didn't do too much good. Eventually Howie got hold of the case, got the Employee Assistance counselors involved, and they made some progress: he admitted he'd been drinking a lot and agreed to go into a detox and rehab program, followed up with AA meetings, get the family in on it, all that stuff. Well, it worked for awhile, then he started fighting with his wife again, missed a couple of reports, refused to admit there was anything wrong when I called him on them, then showed up in the office drunk after lunch on Tuesday. That was the last straw. We sent him home then and there and notified him of the suspension the next day. Now what do we do with him? I say fire him:

1. He's not doing his work so everybody else has to do it. It's not fair to the others, who are pulling their share of the load, to ask them to pull his too. Furthermore, we've given him one good chance to pull himself out of it, more than we've given others. He doesn't deserve any more indulgence.
2. Keeping him would be bad for the company. The work we expect him to do is not being done well, he's demoralizing the other employees, and it's too expensive to try to drag him out of the gutter again. We do have the welfare of the company to think of, you know.
3. It isn't even good for him to keep him—it's pretending he's not a responsible adult. We told him we'd fire him if he started drinking again, he started, now we ought, just on principle, to do what we said we'd do. He's a grownup now, he's responsible for his behavior, and we shouldn't treat him like a child or an imbecile.

So I say he goes, period. Now, if you'll excuse me, I'm off to the next meeting.

Howie: Thanks, Joe. Donna, why don't you take the story from here? Donna Reed is our substance abuse counselor.

Donna: You have to try to understand the situation from Frank's point of view. He's been here for nine years, he's undoubtedly done a good job—his file is full of commendations, up until the last few years—but he hasn't gotten into the department he wants, and he thinks his talents are not being fully used. He was saddled with an incompetent supervisor for awhile, and still resents that. Maybe he could have been more philosophical about his treatment by the company—but then his wife started bugging him about how he should get promoted faster, and should make more money, and he found himself torn between his loyalty to the company and his loyalty to his family. Then his teenagers had problems and that was worrying him too. The drinking didn't seem so serious to him—just a temporary reaction to stress—but he was willing to try rehabilitation, and did, and it seemed to work. If his wife hadn't started in on him again, he might have stayed sober indefinitely. But she's been working with Alanon counselors recently, and she and Frank both think that a short stay in that rehab center will get him back on his feet for good this time. I think it's very hopeful, and I think the committee ought to advise sending him back to the center. What do you think, Mr. Williams?

Howie: I think I'm with you, Donna. The way I see it, we're responsible for the man. Nine years isn't a whole life, but it's a sizable chunk out of a manager's career. We had to have known how much it frustrated him to be kept where we could use him, in the finance department, not in marketing where he wanted to be. We let this behavior start, and let it go because we were too busy to catch it, and now I think we owe him that second chance:

1. It's only fair: we profited from his work when he did well, now we owe at least that second mile. Just because he's in trouble, and his family is going through a troublesome phase, doesn't mean we can toss him overboard; surely he deserves better of us.
2. It's the best course for the bottom line. Sure, while he's drinking he's costing us money. But do you know what it would cost to train a successor? It's been shown that rehabilitating an alcoholic, at least at the management level, costs only 1/17 as much as totally replacing him. With that kind of return, it's worth risking the investment of one more course of treatment.
3. He's a human being. If he loses his job, for drinking, he'll lose the last shred of self-respect he has. He'll never get another job at the level he deserves, or stop drinking, and I don't know what will happen to his family. You just can't treat a human life that way.

All right, gentlemen, there is the issue as we see it. Donna and I will return to our offices and leave you to your deliberations. Let us know what you decide.

No one principle, no one form of ethical reasoning is inherently superior to the others. We may use them all, and usually, in the course of a discussion involving ethics, we do. But it is important to note the differences among them, for if we do not, we condemn ourselves to talk past each other and frustrate our dialogue. We saw one example of this frustration in the debate between the operators of the abortion clinic and the angry neighbors, in the third case above: the physicians were arguing consequentially, in terms of the objectives achieved, and the neighbors were arguing non-consequentially, in terms of the nature of the actions themselves. As a result, each regarded the others' arguments as simply irrelevant to the main problem. For another example, at a dinner party some years ago, I came across a heated debate on the problem of educating inner-city African American teenagers. One side of the debate was arguing that African Americans had been

treated so badly in the past, and had been denied such basic amenities and encouragement, that it was unjust to expect them to measure up to middle-class educational expectations. The other side, made up of schoolteachers, was arguing that education provided the only decent prospects for the future, and indeed, the only way out of the ghetto, for these youngsters, and unless they got their act together and got motivated somehow to finish school, the next generation would be just as disadvantaged and ill-treated as the present one.

Were these two groups really arguing against each other? No. Each could easily have conceded the other's point (and sometimes did) while maintaining its own. Rather, they were arguing *past* each other, one arguing consequentially (toward the future, bleak or somewhat brighter, depending on the means, especially educational means, adopted now), and the other deontologically (from justice). Both, by the way, were making excellent points. You might want to warm up your minds at this point by joining that debate; but please, do a better job than they did at keeping straight what kind of argument you are using.

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