CHAPTER OBJECTIVES

1. Define deontological and teleological ethical systems, and explain ethical formalism and utilitarianism.
2. Describe how other ethical systems define what is moral—specifically, religion, natural law, ethics of virtue, and ethics of care.
3. Discuss the argument as to whether egoism is an ethical system.
4. Explain the controversy between relativism and absolutism.
5. Identify the three consistent elements of most of the approaches to resolving ethical dilemmas.

Detective Russell Poole was a Robbery-Homicide Division investigator with the Los Angeles Police Department. In 1998, he was assigned an investigation regarding the alleged beating of Ismael Jimenez, a reputed gang member, by LAPD officers, and a suspected cover-up of the incident. In his investigation, he uncovered a pattern of complaints of violence by the anti-gang task force in the Ramparts Division. Gang members told Poole and his partners that a number of officers harassed them, assaulted them, and pressured them to provide untraceable guns. The beating occurred because Jimenez would not provide the officers with a gun. In a search of the house of Officer Rafael Perez, a member of the anti-gang task force, Poole found a box with a half-dozen realistic replica toy guns. He concluded that a number of the officers in the division were “vigilante cops” and requested that the investigation proceed further.

After Poole informed his superiors of what his investigation had uncovered, Bernard Parks, the LAPD chief at the time, ordered Poole to limit his investigation solely to the Jimenez beating. Poole prepared a 40-page report on the Jimenez case for the district attorney’s office, detailing the pattern of complaints, alleged assaults, and other allegations of serious wrongdoing on the part of the Rampart officers. Poole’s report never reached the district attorney’s office because his lieutenant, enforcing the chief’s orders, replaced his detailed report with a two-page report written by the lieutenant and another supervisor. Poole knew that in not providing the district attorney’s office with all the information he uncovered, he could be charged with obstruction of justice, and the report provided so little information that the officer probably would not even be charged. Poole’s lieutenant then asked him to put his name on the report (Golab, 2000).
How did Detective Poole decide what was the right thing to do in this situation? He had conflicting duties and conflicting values. He knew that not signing the report might have serious consequences for his career. How would you determine the right thing to do if you were in a similar situation?

As discussed in Chapter 1, if confronted with an ethical dilemma, one can follow a series of steps to come to an ethical resolution:

1. **Identify the facts.** Identifying all relevant facts is essential as a first step. Most of the important facts in this dilemma are presented in the preceding paragraphs. Sometimes individuals facing a dilemma do not know all the facts, and sometimes the decision to find the facts is an ethical dilemma unto itself.

2. **Identify relevant values and concepts.** One’s values of duty, friendship, loyalty, honesty, and self-preservation are usually at the heart of professional ethical dilemmas. In this case, what is Poole’s duty? His decision may hinge on his value system; for instance, whether he values his career over honesty or loyalty to his supervisors over law.

3. **Identify all possible moral dilemmas for each party involved.** Recall that this was to help us see that sometimes one’s own moral or ethical dilemma is caused by others’ actions. Obviously, Poole is in the situation he is in because his supervisor asked him to do something that was unethical and probably illegal. Neither would have been in the situation if the officers who were the target of the investigation had not violated the law. The officers may not have felt compelled to violate the law if they had not been attempting to control criminal gang activity. Thus, we see that usually one’s ethical dilemma is prefaced upon others’ ethical (or unethical) decisions.

4. **Decide what is the most immediate moral or ethical issue facing the individual.** This is always a behavior choice, not an opinion. Poole’s immediate decision is whether to sign the report, despite his misgivings as to its truthfulness.

5. **Resolve the ethical or moral dilemma by using an ethical system or some other means of decision making.**

In this chapter, we will concentrate on the fifth step in the sequence above and present several ethical systems that can help us identify the right thing to do when faced with an ethical dilemma.

### Ethical Systems

Our principles of right and wrong form a framework for the way we live our lives. But where do these principles come from? Before you read on, answer the following question: If you believe that stealing is wrong, why do you believe this to be so? You probably said it is because your parents taught you or because your religion forbids it—or maybe because society cannot tolerate people harming one another. Your answer is an indication of your ethical system.

Ethical systems have a number of characteristics. First, they are the source of moral beliefs. Second, they are the underlying premises from which you make judgments. Third, they are beyond argument. That is, although ethical decisions may become the basis of debate, the decisions are based on fundamental truths or propositions that are taken as a given by the individual employing the ethical system.

C. E. Harris (1986: 33) referred to such ethical systems as *moral theories or moral philosophies* and defined them as a systematic ordering of moral principles. 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 (1977: 19) further described ethical systems as having the following characteristics:

- **They are prescriptive.** Certain behavior is demanded or proscribed. They are not just abstract principles of good and bad but have substantial impact on what we do.
- **They are authoritative.** They are not ordinarily subject to debate. Once an ethical framework has been developed, it is usually beyond question.
- **They are logically impartial or universal.** Moral considerations arising from ethical systems are not relative. The same rule applies in all cases and for everyone.
- **They are not self-serving.** They are directed toward others; what is good is good for everyone, not just the individual.

We don’t consciously think of ethical systems, but we use them to make judgments. For instance, we might say that a woman who leaves her children alone to go out drinking has committed an immoral act. That would be a moral judgment. Consider that the moral judgment in any discussion is only the tip of a pyramid. If forced to defend our judgment, we would probably come up with some rules of behavior that underlie the judgment. Moral rules in this case might be:

“Children should be looked after.”

“One shouldn’t drink to excess.”

“Mothers should be good role models for their children.”

But these moral rules are not the final argument; they can be considered the body of the pyramid. How would you answer if someone forced you to defend the rules by asking “why?” For instance, “Why should children be looked after?” In answering the “why” question, one eventually comes to some form of ethical system. For instance, we might answer, “Because it benefits society if all parents watched out for their children.” This would be a utilitarian ethical system. We might have answered the question, “Because every parent’s duty is to take care of their children.” This is ethical formalism or any duty-based ethical system. Ethical systems form the base of the pyramid. They are the foundation for the moral rules that we live by.

The ethical pyramid is a visual representation of this discussion. In Figure 2.1, the moral judgment discussed above is the tip of the pyramid, supported by moral rules on which the judgment is based. The moral rules, in turn, rest upon a base, which is usually one of the ethical systems that we will cover in this chapter.

We will not discuss all possible ethical systems, nor are the brief descriptions here enough to fully explain each of the systems mentioned. The reader would be well advised to consult texts in philosophy and ethics for more detail. However, we will explore and provide brief summaries of the most often used ethical systems.
Deontological and Teleological Ethical Systems

A deontological ethical system is one that is concerned solely with the inherent nature of the act being judged. If an act or intent is inherently good (coming from a good will), it is still considered a good act even if it results in bad consequences. A teleological ethical system judges the consequences of an act. Even a bad act, if it results in good consequences, can be defined as good under a teleological system. The saying “the end justifies the means” is a teleological statement. The clearest examples of these two approaches are ethical formalism (a deontological or “nonconsequentialist” system) and utilitarianism (a teleological or “consequentialist” system).

ETHICAL FORMALISM

Ethical formalism is a deontological system because the important determinant for judging whether an act is moral is not its consequence, but only the motive or intent of the actor. According to the philosopher Immanuel Kant (1724–1804), the only thing that is intrinsically good is a good will. On the one hand, if someone does an action from a good will, it can be considered a moral action even if it results in bad consequences. On the other hand, if someone performs some activity that looks on the surface to be altruistic but does it with an ulterior motive—for instance, to curry favor or gain benefit—that act is not moral. Gold, Braswell, and McCarthy (1991) offer the example of a motorist stranded by the side of the road; another driver who comes along has a decision to help or to pass by. If the driver makes a decision to stop and help, this would seem to be a good act. Not so, according to ethical formalism, unless it is done from a good will. If the helper stops because he or she expects payment, wants a return favor, or for any reason other than a good will, the act is only neutral—not moral. Only if the help springs from a good will can we say that it is truly good.

Kant believed that moral worth comes from doing one’s duty. Just as there is the law of the family (father’s rule), the law of the state and country, and the law of international relations, there is also a universal law of right and wrong. Morality, according to Kant, arises from the fact that humans, as rational beings, impose these laws and strictures of behavior upon themselves (Kant, trans. Beck, 1949).

The following constitute the principles of Kant’s ethical formalism (Bowie, 1985: 157):

- **Act only on that maxim through which you can at the same time will that it should become a universal law.** In other words, for any decision of behavior to be made, examine whether that behavior would be acceptable if it were a universal law to be followed by everyone. For instance, a student might decide to cheat on a test, but for this action to be moral, the student would have to agree that everyone should be able to cheat on tests.

- **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.** In other words, one should not use people for one’s own purposes. For instance, being friendly to someone so that you can use her car is using her as a means to one’s own ends. Even otherwise moral actions, such as giving to charity or doing charitable acts for others, would be considered immoral if done for ulterior motives such as self-aggrandizement.

- **Act as if you were, through your maxims, a lawmaking member of a kingdom of ends.** This principle directs that the individual’s actions should contribute to and be consistent
with universal law. However, the good act must be done freely. If one is compelled to do a good act, the compulsion removes the moral nature of the act. Only when we freely choose to abide by moral law and these laws are self-imposed rather than imposed from the outside are they a reflection of the higher nature of humans.

These are absolute commands—together, they form the categorical imperative. According to Kant, hypothetical imperatives are commands that designate certain actions to attain certain ends. An example is, “If I want to be a success, then I must do well in college.” By contrast, categorical imperatives command action that is necessary without any reference to intended purposes or consequences. The “imperative of morality” according to Kant needed no further justification (Kant, trans. Beck, 1949: 76).

A system such as ethical formalism is considered to be an absolutist system—if something is wrong, it is wrong all the time, such as murder or lying. To assassinate evil tyrants such as Adolf Hitler, Saddam Hussein, or Osama Bin Laden might be considered moral under a teleological system because ridding the world of dangerous people is a good end. However, in the deontological view, if the act and intent of killing are wrong, then killing is always wrong; thus, assassination must be considered immoral in all cases, regardless of the good consequences that might result.

This absolute judgment is criticized by those who argue that there are sometimes exceptions to any moral rule such as “one should not lie.” In a well-known example, Kant argued that if someone asked to be hidden from an attacker in close pursuit and then the attacker asked where the potential victim was hiding, it would be immoral to lie about the victim’s location. This seems wrong to many and serves to dissuade people from seeing the value of ethical formalism. However, according to Kant, an individual cannot control consequences, only actions; therefore, one must act in a moral fashion without regard to potential consequences. In the example, the attacker may not kill the potential victim; the victim may still be able to get away; or the attacker may be justified. The victim may have even left the place you saw them hide and move to the very place you offer to the attacker as a lie. The point is that no one person can control anything in life, so the only thing that makes sense is to live by the categorical imperative.

Kant also defended his position with semantics—distinguishing untruths from lies with the explanation that a lie is a lie only when the recipient is led to believe or has a right to believe that he or she is being told the truth. The attacker in the previous scenario or an attacker who has one “by the throat” demanding one’s money has no right to expect the truth; thus, it would not be immoral not to tell this person the truth. Only if one led the attacker to believe that one were going to tell the truth and then did not would one violate the categorical imperative. 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 (Kant, ed. Infield, 1981).

This ethical framework follows simply from the beliefs that an individual must follow a self-imposed moral law and that one is capable of using reason to determine right actions because any action can be evaluated by using the principles just listed. Criticisms of ethical formalism include the following (Maestri, 1982: 910):

- **Ethical formalism seems to be unresponsive to extreme circumstances.** If something is wrong in every circumstance regardless of the good that results or good reasons for the action, otherwise good people might be judged immoral or unethical.
- **Morality is limited to duty.** One might argue that duty is the baseline of morality, not the highest aspiration of it. Further, it is not always clear where one’s duty lies. At times one might face a dilemma where two duties conflict with each other.
The priority of motive and intent over result is problematic in some instances. It may be seriously questioned whether the intention to do good, regardless of result or perhaps with negative result, is always moral. Many would argue that the consequences of an action and the actual result must be evaluated to determine morality.

How would ethical formalism help resolve the dilemma faced by Detective Poole, the LAPD officer we discussed in the opening of this chapter? When he was asked to sign the “doctored” report for the district attorney’s office, what was his duty? His duty was obviously to uphold the law. Did he also have a duty to obey his superiors? Did he have a duty to protect the police department from scandal? Did he have a duty to serve the public? Could he perform all these duties at the same time, or are they inconsistent with one another?

Applying the principles of ethical formalism to the dilemma, we can make the following observations:

- Act in such a way that the behavior could be universal. Would covering up potential police misconduct be a rule that we would want to endorse universally? Probably not. It seems that if evidence is routinely held back from prosecutors, they would not be able to do their job.
- Do not treat others as a means to an end. It seems clear that Poole’s superiors were attempting to use him to further their own interest. Would he be using someone as a means to an end by signing the shortened report? Would he be using someone as a means to an end by not signing the shortened report?
- Behavior must be autonomous and freely chosen to be judged as moral. If Poole were frightened or pressured into doing something, then the action would not be moral regardless of what it was. If, for instance, he believed that the district attorney would find out and come after him for falsifying a legal document, then he might not sign it, but it would not be because of a good will and, therefore, could not be considered a moral act.

Other writers present variations of deontological ethics that do not depend so heavily on Kant (Braswell, McCarthy, and McCarthy, 2002/2007). The core elements of any deontological or duty-based ethical system are the importance placed on intention and the use of a predetermined set of principles to judge morality rather than looking at the consequences of an act.

**Utilitarianism**

**Utilitarianism** is a teleological ethical system: what is good is determined by the consequences of the action. Jeremy Bentham (1748–1832), a major proponent of utilitarianism, believed that the morality of an action should be determined by how much it contributes to the good of the majority. According to Bentham, human nature seeks to maximize pleasure and avoid pain, and a moral system must be consistent with this natural fact.

The “utilitarian doctrine asserts that we should always act so as to produce the greatest possible ratio of good to evil for everyone concerned” (Barry, 1985: 65). That is, if one can show that an action significantly contributes to the general good, then it is good. In situations where one must decide between a good for an individual and a good for society, then society should prevail, despite the wrong being done to an individual. This is because the utility or good derived from that action generally outweighs the small amount of harm done (because the harm is done only to one, whereas the good is multiplied by the many).
For instance, if it could be shown that using someone as an example would be an effective deterrent to crime, whether or not the person was actually guilty, the wrong done to that person by this unjust punishment might be outweighed by the good resulting for society. This assumes that citizens would not find out about the injustice and lose respect for the authority of the legal system, which would be a negative effect for all concerned.

Although utilitarianism is quite prevalent in our thinking about ethical decision making, there are some serious criticisms of it:

- **All “pleasures” or benefits are not equal.** Bentham did not judge the relative weight of utility. He considered pleasure to be a good whether it derived from vice, such as avarice or greed, or from virtue, such as charity and kindness. Later utilitarians, primarily John Stuart Mill (1806–1873), believed that utilities (benefits) had different weights or values. In other words, some were better than others. For instance, art offers a different utility for society than alcohol; altruism carries more benefit than pleasure, and so on. But who is to determine which is better? Determining what is good by weighing utilities makes sense, but the actual exercise is sometimes very difficult.

- **The system presumes that one can predict the consequences of one’s actions.** In the well-known “lifeboat” dilemma, five people are in a lifeboat with enough food and water only for four. It is certain that they will survive if there are only four; it is also certain that they will all perish if one does not go overboard. What should be done? Under ethical formalism, it would be unthinkable to sacrifice an innocent, even if it means that all will die. Under utilitarian ethics, it is conceivable that the murder of one might be justified to save the others. But this hypothetical situation points out the fallacy of the utilitarian argument. In reality, it is not known whether any will survive. The fifth might be murdered, and five minutes later a rescue ship appears on the horizon. The fifth might be murdered, but then the remaining four are eaten by sharks. Only in unrealistic hypothetical situations does one absolutely know the consequences of one’s action. In real life, one never knows if an action will result in a greater good or ultimate harm.

- **There is little concern for individual rights in utilitarianism.** Ethical formalism demands that each individual must be treated with respect and not be used as a means to an end. However, under utilitarianism, the rights of one individual may be sacrificed for the good of many. For instance, in World War II, Winston Churchill allowed Coventry to be bombed so the Germans would not know the Allies had cracked the Germans’ secret military radio code. Several hundred English people were killed in the bombing raid of Coventry. Many might have been saved if they had been warned. It was a calculated loss for greater long-term gains—bringing the war to an end sooner. This could be justified under utilitarianism but perhaps not under ethical formalism.

Utilitarianism has two forms: act utilitarianism and rule utilitarianism. The basic difference between the two can be summarized as follows: In **act utilitarianism**, only the basic utility derived from an action is examined. We look at the consequences of any action for all involved and weigh the units of utility accordingly. 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.

On the one hand, act utilitarianism might support stealing food when one is hungry and has no other way to eat because the utility of survival would outweigh the loss to the store owner. On the other hand, rule utilitarianism would be concerned with the effect that the action would have if made into a rule for behavior: “Any time an individual cannot afford food, he or she can steal it” would contribute to a state of lawlessness and a general
disrespect for the law. Such a rule would probably not result in the greatest utility for the greatest number. With rule utilitarianism, then, we are concerned not only with the immediate utility of the action but also with the long-term utility or harm if the action were to be a rule for all similar circumstances. Note the similarity between rule utilitarianism and the first principle of the categorical imperative. In both approaches, one must judge as good only those actions that can be universalized.

Applying utilitarianism to Detective Russell Poole’s dilemma, it seems clear that his superiors were engaged in damage control. They did not want a scandal, especially considering that it had not been that long since the Rodney King incident. By suppressing evidence of further wrongdoing, they probably assumed that they could keep the information from the public and deal with it internally. In fact, Chief Parks fired more than 100 officers during his time as chief, but he did so in a way that the district attorney’s office was unable to prosecute any of the officers for their alleged crimes. Internal Affairs routinely used a practice of compelling testimony without reading the officer his rights before questioning. This meant that the evidence obtained could be used to discipline the officer but not to prosecute him or her. The result was that officers were fired, but their cases never ended up in court—or in the newspaper.

If Detective Poole used utilitarian reasoning, where did the greatest benefit lie? Was there greater benefit to all concerned in opposing his superiors’ attempts to suppress the investigation, or with going along with the cover-up? Actually, the attempt to suppress the actions of the Ramparts Division officers was unsuccessful anyway. A year after Poole refused to sign the report that protected Officer Rafael Perez, Perez was prosecuted for stealing a large amount of cocaine from the evidence room. In a plea arrangement, he told investigators from the D.A.’s office the whole story of the Ramparts Division officers, leading to the biggest scandal in LAPD’s history (Golab, 2000; Boyer, 2001). This illustrates one of the problems with utilitarianism: if people sacrifice their integrity for what they consider is a good cause, the result may be that they lose their integrity and still do not achieve their good cause.

In summary, utilitarianism holds that morality must be determined by the consequences of an action. Society and the survival and benefit of all are more important than any individual. Something is right when it benefits the continuance and good health of society. Rule utilitarianism may be closer to the principles of ethical formalism because it weighs the utility of such actions after they have been made into general laws. The difference between ethical formalism and rule utilitarianism is that the actions 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 prescribed rules to determine their morality. Which of the ethical systems support Joseph Darby’s decision described in the Walking the Walk box?

Other Ethical Systems

Utilitarianism and ethical formalism are the two best representatives of deontological and teleological ethics. It should be noted, however, that the discussion of ethics existed before Kant and Bentham; for instance, we haven’t discussed the views of Socrates, Plato, or Epicurus and, unfortunately, have no space to do so in this text. The debate has also continued into modern times through the work of Friedrich Nietzsche, Jean-Paul Sartre, John Rawls, Alasdair MacIntyre, John Finnis, Nel Noddings, and many others. We continue to ponder the ancient questions of what it means to be a good person. A few additional ethical systems will be described below, but the interested reader is urged to supplement this reading with any standard ethics text.
Joe Darby was a military reservist from a low-income family who grew up in Pennsylvania and settled in Maryland. The 372nd was a military police unit based in his town, and almost everyone had some ties to the military. Darby’s unit was deployed to Iraq.

One fateful day in January 2004, Darby began his march into the history books by asking Specialist Charles Graner for some pictures of the surrounding countryside. Graner gave him a CD of pictures. Clicking through the pictures to decide which ones to send home, he stumbled on some that, at first, made him laugh; then, as others appeared on the computer screen, he grew more and more disgusted. “They just didn’t sit right with me,” he said later.

The pictures were the infamous torture photos taken in the Abu Ghraib prison by Graner and others. Whether Graner didn’t remember that they were on the CD or didn’t care will never be known; however, once Darby saw the pictures, he couldn’t stop thinking about them. He had not been present and did not know that soldiers had been posing the prisoners nude, forcing them to simulate masturbation and homosexual acts, using dogs to intimidate and attack the naked prisoners, and placing them on stools and telling them if they fell off they would be electrocuted.

Darby had seen other things at the prison, though, which he related years later in news accounts—things like a helicopter flying into the prison grounds in the middle of the night with a prisoner being hustled into the interrogation room by men who not only were nameless but who never revealed whether they were military intelligence, CIA, or civilian contractors. When they left the next morning, the prisoner was dead and the soldiers were told to “clean it up.”

The pictures of Charles Graner and Sabrina Harmon (another military police specialist) posing next to the body of this man are part of the group of photos that were plastered across newspapers, shown on televisions, and appeared on Internet sites around the world. The scandal tarnished the reputation of the United States, probably contributed to an increase in the Iraqi insurgency, ruined careers, and ended up with the soldiers in the pictures serving prison time.

So why did Darby do it? Why did he burn copies of the pictures onto a disk and give them to the Criminal Intelligence Division (CID) rather than to his commanding officer? He said later that it was because things had been reported to his superiors before and nothing happened, and, besides, Ivan Frederick, one of those who appeared in the pictures, was the commanding officer of the night shift. Darby first turned in the envelope with the photos to CID investigators and said he didn’t know where it came from, but then he admitted that he had gotten the pictures from Graner. He was promised that his name would be kept confidential.

Once investigators obtained the photos, they immediately began an investigation and questioned all those in the pictures who were then, inexplicably, allowed to remain in the compound. Tension and paranoia were intense, and Darby said he literally feared for his life, hoping that no one would discover that it was he who had turned them in. “I’m not the kind of guy to rat somebody out,” he said later. “I’ve kept a lot of secrets for soldiers…but this crossed the line to me. I had the choice between what I knew was morally right and my loyalty to other soldiers. I couldn’t have it both ways.”

At some point, his name was leaked to the press, and then Secretary of Defense Donald Rumsfeld announced in the congressional hearing about Abu Ghraib that Darby was the one who turned in the photos. Darby was sitting in a crowded mess hall in Iraq when the hearing was being aired on the television. The room became quiet. Although some soldiers shook Darby’s hand, many regarded him as a traitor. So did most of his neighbors and even some of his family. His wife endured weeks of threats and vandalism before she was taken into protective custody by the military. Neighbors said he was a rat, a traitor, and should fear for his life. Darby, too, was removed from Iraq ahead of his unit and reunited with his wife in seclusion and under heavy guard. He was told that it wasn’t safe to return to their hometown, and he didn’t. They are not welcome there. His tour of duty was extended through the trials, which lasted through 2006. In 2005, Darby received the John F. Kennedy Profile in Courage Award.

Today, the media storm that Darby created has finally died down and he is a civilian trying to create a new life. He does not regret what he did. “I’ve always had a moral sense of right and wrong. And I knew that, you know, friends or not, it had to stop,” Darby says.

Probably the most frequently used source of individual ethics is religion. Religion might be defined as a body of beliefs that addresses fundamental issues such as “What is life?” and “What are good and evil?” A religion also provides moral guidelines and directions on how to live one’s life. For instance, Christians and Jews are taught the Ten Commandments, which prohibit certain behaviors defined as wrong. The authority of religious ethics, in particular Judeo-Christian ethics, stems from a willful and rational God. For believers, the authority of God’s will is beyond question, and there is no need for further examination because of His perfection. The only possible controversy comes from human interpretation of God’s commands. Indeed, these differences in interpretation are the source of most religious strife.

Religious ethics is, of course, much broader than simply Judeo-Christian ethics. Religions such as Buddhism, Confucianism, and Islam also provide a basis for ethics because they offer explanations of how to live a “good life” and address other philosophical issues, such as “What is reality?” Pantheistic religions—such as those of primitive hunter-gatherer societies—promote the belief that there is a living spirit in all things. A basic principle follows from this belief that life is important and one must have respect for all things, including trees, rivers, and animals. A religion must have a willful and rational God or god figure before there can be a judgment of right and wrong, thus providing a basis for an ethical system. Those religions that do have a god figure consider that figure to be the source of principles of ethics and morality.

It is also true that of the religions we might discuss, many have similar basic moral principles. Many religions have their own version of the Ten Commandments. In this regard, Islam is not too different from Judaism, which is not too different from Christianity. What Christians know as the Golden Rule actually prefaces Christianity, and the principle can be found in all the major religions, as well as offered by ancient philosophers:

- Christianity: “Do unto others as you would have them do unto you.”
- Hinduism: “Do naught to others which, if done to thee, would cause thee pain: this is the sum of duty.”
- Buddhism: “In five ways should a clansman minister to his friends and familiars… by treating them as he treats himself.”
- Confucianism: “What you do not want done to yourself, do not do unto others.”
- Judaism: “Whatsoever thou wouldst that men should not do unto thee, do not do that to them.” (Reiman, 1990/2004: 147)
- Isocrates: “Do not do to others what would anger you if done to you by others.” (Shermer, 2004: 25)
- Diogenes Laertius, Lives of the Philosophers: “The question was once put to Aristotle how we ought to behave to our friends; and his answer was, ‘As we should wish them to behave to us.’” (Shermer, 2004: 25)
- The Mahabharata: “This is the sum of all true righteousness, deal with others as thou wouldst thyself be dealt by. Do nothing to thy neighbor which thou wouldst not have him do to thee hereafter.” (Shermer, 2004: 25)

A fundamental question discussed by philosophers and religious scholars is whether God commands us not to commit an act because it is inherently wrong (e.g., “Thou shalt not kill”), or whether an act acquires its “badness” or “goodness” solely from God’s definition of it. This is a thorny issue and one that continues to be debated.

Another issue in Western religious ethics is how to determine God’s will. Some believe that God is inviolable and that positions on moral questions are absolute. This is a
legalist position. Others believe that God’s will varies according to time and place—the situationalist position. According to this position, situational factors are important in determining the rightness of a particular action. Something may be right or wrong depending on the circumstances (Borchert and Stewart, 1986: 157). For instance, lying may be wrong unless it is to protect an innocent, or stealing may be wrong unless it is to protest injustice and to help unfortunates. Some would say that it is impossible to have an a priori knowledge of God’s will because that would put us above God’s law: we ourselves cannot be “all-knowing.” Thus, for any situation, if we are prepared to receive God’s divine commands, we can know them through faith and conscience. Box 2.1 briefly describes some of the major world religions other than Judeo-Christianity.

BOX 2.1  Overview of Major World Religions

Islam
One of the newest, yet largest, religions is Islam. Like Christianity, this religion recognizes one god, Allah. Jesus and other religious figures are recognized as prophets, as is Muhammad, who is considered to be the last and greatest prophet. Islam is based on the Quran, which is taken much more literally as the word of Allah than the Bible is taken by most Christians. There is a great deal of fatalism in Islam: inshallah, meaning, “If God wills it,” is a prevalent theme in Muslim societies, but there is recognition that if people choose evil, they do so freely. The five pillars of Islam are (1) repetition of the creed (Shahada), (2) daily prayer (Salah), (3) almsgiving (Zakat), (4) fasting (Sawm), and (5) pilgrimage (Hajj).

Another feature of Islam is the idea of the holy war. In this concept, the faithful who die defending Islam against infidels will be rewarded in the afterlife (Hopple, 1983). This is not to say that Islam provides a legitimate justification for terroristic acts. Devout Muslims protest that terrorists have subverted the teachings of Islam and do not follow its precepts, one of which is never to harm innocents.

Buddhism
Siddhartha Gautama (Buddha) attained enlightenment and preached to others how to do the same and achieve release from suffering. He taught that good behavior is that which follows the “middle path” between asceticism and hedonistic pursuit of sensual pleasure. Essentials of Buddhist teachings are ethical conduct, mental discipline, and wisdom. Ethical conduct is based on universal love and compassion for all living beings. Compassion and wisdom are needed in equal measures. Ethical conduct can be broken into right speech (refraining from lies, slander, enmity, and rude speech), right action (abstaining from destroying life, stealing, and dishonest dealings, and helping others lead peaceful and honorable lives), and right livelihood (abstaining from occupations that bring harm to others, such as arms dealing and killing animals). To follow the “middle path,” one must abide by these guidelines (Kessler, 1992).

Confucianism
Confucius taught a humanistic social philosophy that included central concepts such as Ren, which is human virtue and humanity at its best, as well as the source of moral principles; Li, which is traditional order, ritual, or custom; Xiao, which is familial love; and Yi, which is rightness, both a virtue and a principle of behavior—that is, one should do what is right because it is right. The doctrine of the mean exemplifies one aspect of Confucianism that emphasizes a cosmic or natural order. Humans are a part of nature and are included in the scheme of life. Practicing moderation in one’s life is part of this natural order and reflects a “way to Heaven” (Kessler, 1992).
Hinduism

In Hinduism, the central concept of *karma* can be understood as consequence. Specifically, what one does in one’s present life will determine what happens in a future life. The goal is to escape the eternal birth/rebirth cycle by living one’s life in a moral manner so no bad karma will occur (Kessler, 1992). People start out life in the lowest caste, but if they live a good life, they will be reborn as members of a higher caste, until they reach the highest Brahman caste, and at that point the cycle can end. An early source for Hinduism was the Code of Manu. In this code are found the ethical ideals of Hinduism, which include pleasantness, patience, control of mind, refraining from stealing, purity, control of the senses, intelligence, knowledge, truthfulness, and non-irritability (Hopfe, 1983).

According to Barry (1985; 51–54), human beings can “know” God’s will in three ways:

- **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.
- **Religious authorities.** These authorities can interpret right and wrong for us and are our best source if we are confused about certain actions.
- **Holy scriptures.** The third way is to go directly to the Bible, Quran, or Torah as the source of God’s law. Some believe that the written word of God holds the answers to all moral dilemmas.

Strong doubts exist as to whether any of these methods are true indicators of divine command. Our consciences may be no more than the products of our psychological development, influenced by our environment. Religious authorities are, after all, only human, with human failings. Even the Bible seems to support contradictory principles. For instance, advocates of capital punishment can find passages in the Bible that support it (such as Genesis 9:6: “Whoever sheds the blood of man, by man shall his blood be shed…”), but opponents to capital punishment argue that the New Testament offers little direct support for execution and has many more passages that direct one to forgive, such as Matthew 5:38–40: “…Offer no resistance to injury. When a person strikes you on the right cheek, turn and offer him the other.”

The question of whether people can ever know God’s will has been explored through the ages. St. Thomas Aquinas (1225–1274) believed that human reason was sufficient not only to prove the existence of God but also to discover God’s divine commands. Others believe that reason is not sufficient to know God and that it comes down to unquestioning belief, so reason and knowledge must always be separate from faith. These people believe that one can know whether an action is consistent with God’s will only if it contributes to general happiness, because God intends for us to be happy, or when the action is done through the *sacred spirit*—that is, when someone performs the action under the influence of true faith (Borchert and Stewart, 1986: 159–171).

To summarize, the religious ethics system is widely used and accepted. The authority of the god figure is the root of all morality; basic conceptions of good and evil or right and wrong come from interpretations of the god figure’s will. Many people throughout history have wrestled with the problem of determining what is right according to God. Religion continues to dominate national conversations, as the In the News box illustrates.
Pact with the Devil?

After the devastating earthquake that hit Haiti in 2010, the televangelist Pat Robertson created a type of media earthquake himself when he explained that Haiti’s problems were due to a pact with the devil. He declared on national television that Haitian voodoo priests had made a deal with the devil to gain their independence and that, because of this rejection of God, the small country has been battered by hurricanes and other natural disasters, and suffered extreme poverty and other problems. The firestorm that erupted condemned Robertson’s lack of compassion for the victims, and caused him to retract his statements. The incident created an interesting national debate about religion, causation, and God’s judgments, and shows us the central place religion continues to have in our national conversations about good and evil.

Source: Fletcher, 2010.

Natural Law

The natural law ethical system holds that there is a universal set of rights and wrongs that is similar to many religious beliefs, but without reference to a specific supernatural figure. Originating most clearly with the Stoics, natural law is an ethical system wherein no difference is recognized between physical laws—such as the law of gravity—and moral laws. Morality is part of the natural order of the universe. Further, this morality is the same across cultures and times. In this view, Christians simply added God as a source of law (as other religions added their own prophets and gods), but there is no intrinsic need to resort to a supernatural figure because these universal laws exist quite apart from any religion (Maestri, 1982; Buckle, 1993).

The natural law ethical system presupposes that what is good is what is natural, and what is natural is what is good. The essence of morality is what conforms to the natural world; thus, there are basic inclinations that form the core of moral principles. For instance, the preservation of one’s own being is a natural inclination and thus is a basic principle of morality. Actions consistent with this natural inclination would be those that preserve one’s own life, such as in self-defense, but also those that preserve or maintain the species, such as a prohibition against murder. 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. These are natural and thus moral. 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. St. Thomas Aquinas, in Summa Theologiae, distinguished natural law from God’s law, and placed reason at the epicenter of the natural law system: “Whatever is contrary to the order of reason is contrary to the nature of human beings as such; and what is reasonable is in accordance with human nature as such” (Aquinas as cited in Buckle, 1993: 165).

Souryal (2007: 86) described natural law as the "steward" of natural rights. At least some of the U.S. founders might be described as natural law theorists. The Constitution recognizes “natural rights” endowed by the Creator. However, the idea of natural law originally was more concerned with duties than rights. Fishman (1994) explained that Thomas Hobbes and John Locke transformed the original natural law theory that emphasized
duties or obligations of humans in the natural order to one that emphasized “natural” human rights. To stay true to the internal consistency and historical legacy of natural rights theory, one must balance the emphasis on rights with an emphasis on obligations. For instance, the protection of individual freedoms as natural rights is an important component of any democracy, but democracy can exist only when citizens accept and perform the obligations of citizenship. Citizens who are not vigilant in protecting their freedoms through the political process risk losing them. In this sense, natural law theory echoes the emphasis on duty found in ethical formalism.

Natural law theory defines good as that which is natural. The difficulty of this system is identifying what is consistent and congruent with the natural inclinations of humankind. How do we know which acts are in accordance with the natural order of things? Who determines the natural laws?

Natural law has been employed to restrict the rights and liberties of groups of people. So-called “natural” laws regarding the superiority of whites were also used to support and justify slavery. In Bradwell v. Illinois 83 U.S. 130 (1873), the Supreme Court upheld Indiana’s right to prevent Myra Bradwell from becoming a member of the bar. The state’s argument, which the Supreme Court endorsed, was the woman’s “natural” role was childbearer. In their famous “mother of the species” holding, the Court decided that women’s childbearing role was a natural destiny and that the sordid world of the courtroom was no place for women. Today, natural law is sometimes employed to oppose same-sex marriage. The fundamental problem with this ethical system is: how does one know whether a moral rule is based upon a true natural law or a mistaken human perception?

**THE ETHICS OF VIRTUE**

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

**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.

Each of the foregoing ethical systems asks, “What is a good action?” The ethics of virtue instead asks, “What is a good person?” This ethical system rejects the approach that one might use reason to discover what is good. Instead, the principle is that to be good, one must do good. Virtues that a good person possesses include thriftiness, temperance, humility, industriousness, and honesty. It may be considered a teleological system because it is concerned with acting in such a way as to achieve a happy life (Prior, 1991). The specific “end” pursued is happiness, or *eudaimonia*, but the meaning of this word is not the same as the meaning given by utilitarians. This version of happiness does not mean simply having pleasure, but also living a good life, reaching achievements, and attaining moral excellence.

The roots of this system are in the work of Aristotle, who defined virtues as “excellences.” These qualities are what enable an individual to move toward the achievement of what it takes to be human. Aristotle distinguished intellectual virtues (wisdom, understanding) from moral virtues (generosity, self-control). The moral virtues are not sufficient for “the good life”; one must also have the intellectual virtues, primarily “practical reason.” Aristotle believed that we are by nature neither good nor evil, but become so through training and the acquisition of habits:

> [T]he virtues are implanted in us neither by nature nor contrary to nature: we are by nature equipped with the ability to receive them and habit brings this ability to completion and fulfillment. (Aristotle, quoted in Prior, 1991: 156–157)

Habits of moral virtue are obtained by following the example of a moral *exemplar*. These habits are also more easily instilled when “right” or just laws also exist. Moral virtue is a state of character in which choices are consistent with the principle of the golden mean.
This principle states that virtue is always the median between two extremes of character. For instance, proper pride is the mean between empty vanity and undue humility, and so on. The Catalog of Virtues derived from the writings of Aristotle lists others (Box 2.2).

Moral virtue comes from habit, which is why this system emphasizes character. The idea here is that one does not do good because of reason; rather, one does good because of the patterns of a lifetime. Those with good character will do the right thing, and those with bad character usually will choose the immoral path. Every day we are confronted with numerous opportunities to lie, cheat, and steal. When a cashier looks the other way, we could probably fill a $20 bill from the cash drawer; or when a clerk gives us a $10 bill instead of a $1.00 bill by mistake, we could keep it instead of handing it back. We don’t because, generally, it does not even occur to us to steal. We do not have to go through any deep ethical analysis in most instances when we have the opportunity to do bad things, because our habits of a lifetime dictate our actions.

Somewhat related to the ethics of virtue ethical system are the 6 Pillars of Character promulgated by the Josephson Institute of Ethics (2008). The 6 Pillars of Character echo Aristotle’s virtues.

1. **Trustworthiness.** This concept encompasses honesty and meeting one’s obligations. Honesty means to be truthful, forthright, and sincere, and the pillar also involves loyalty, living up to one’s beliefs, and having values.

2. **Respect.** This pillar is similar to the second portion of the categorical imperative, which admonishes to treat each person with respect and not as a means to an end. It also encompasses the Golden Rule.

3. **Responsibility.** This means standing up for one’s choices and being accountable. Everyone has a moral duty to pursue excellence, but, if one fails, the duty is to take responsibility for the failure.

4. **Fairness.** This concept involves issues of equality, impartiality, and due process. To treat everyone fairly doesn’t necessarily mean to treat everyone the same, but rather, to apply fairness in one’s dealings with everyone.

5. **Caring.** This pillar encompasses the ideas of altruism and benevolence.

6. **Citizenship.** This includes the duties of every citizen, including voting, obeying the law, being a good steward of the natural resources of one’s country, and doing one’s fair share.
It should also be noted that most of us have some virtues and not others. There are many other virtues besides those already mentioned, including compassion, courage, conscientiousness, and devotion. Some of us may be completely honest in all of our dealings but not generous. Some may be courageous but not compassionate. Therefore, we all are moral to the extent that we possess moral virtues, but some of us are more moral than others by having more virtues. One difficulty is in judging the primacy of moral virtues. For instance, in professional ethics there are often conflicts that involve honesty and loyalty. If both are virtues, how does one resolve a dilemma in which one virtue must be sacrificed?

The ethics of virtue probably explains more individual behavior than other ethical systems because most of the time, if we have developed habits of virtue, we do not even think about the possible bad acts we might do. For instance, most of us do not have to analyze the rightness or wrongness of stealing every time we go into a store. We do not automatically consider lying every time a circumstance arises. Most of the time we do the right thing because of our habits and patterns of a lifetime. However, when faced with a true dilemma—that is, a choice where the “right” decision is unclear—the ethics of virtue may be less helpful than other ethical systems.

Alasdair MacIntyre (1991: 204), a contemporary philosopher who promotes virtue ethics, defines virtues as those dispositions that will sustain us in the relevant “quest for the good, by enabling us to overcome the harms, dangers, temptations and distractions which we encounter, and which will furnish us with increasing self-knowledge and increasing knowledge of the good.” MacIntyre (1999) also seems to endorse an ethics-of-care approach because he discusses virtue as necessary to care for the next generation. He sees life as one of “reciprocal indebtedness” and emphasizes “networks of relationships” as the locale of giving and receiving the benefits of virtues. This language is similar to the ethics of care, which will be discussed next.

In our opening case, Detective Poole reported that he never considered putting his name on a report he knew was wrong. His superiors, co-workers, and colleagues describe him as “professional,” “hard working,” “loyal, productive, thorough, and reliable,” “diligent,” “honest,” and “extremely credible.” He was known as a first-rate investigator and trusted by the D.A.’s office to provide thorough and credible testimony. In other words, his habits in his professional life were directly contrary to participating in a cover-up. Those who advocate the ethics of virtue would predict that Poole would not participate in a cover-up because of his character—and they would be right, because he did not sign the report (Golab, 2000).

**THE ETHICS OF CARE**

The ethics of care is another ethical system that does not depend on universal rules or formulas to determine morality. The emphasis is on human relationships and needs. 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. Noddings (1986: 1) points out that the “mother’s voice” has been silent in Western, masculine analysis: “One is tempted to say that ethics has so far been guided by Logos, the masculine spirit, whereas the more natural and perhaps stronger approach would be through Eros, the feminine spirit.”

The ethics of care is founded in the natural human response to care for a newborn child, the ill, and the hurt. There are similarities in the ethics of care’s idea that morals derive from natural human impulses of compassion and Jean-Jacques Rousseau’s (1712–1778) argument that it is humans’ natural compassion that is the basis of human action and the
idea that morality is based in emotion rather than rationality, i.e. “What I feel is right is right, what I feel is wrong is wrong” (Rousseau, as cited by Ruggiero, 2001: 28).

Carol Gilligan’s work on moral development in psychology identified a feminine approach to ethical decision making that focused on relationships and needs instead of rights and universal laws. The most interesting feature of this approach is that while a relatively small number of women emphasized needs over rights, no men did. She attributed this to Western society, in which men and women are both socialized to Western ethics, which are primarily concerned with issues of rights, laws, and universalism (Gilligan, 1982).

Applying the ethics of care does not necessarily lead to different solutions, but perhaps to different questions. In an ethical system based on care, we would be concerned with issues of needs rather than rights. Other writers point to some Eastern religions, such as Taoism, as illustrations of the ethics of care (Gold et al., 1991). In these religions, a rigid, formal, rule-based ethics is rejected in favor of gently leading the individual to follow a path of caring for others. In criminal justice, the ethics of care is represented to some extent by the rehabilitative ethic rather than the just-deserts model. Certainly the “restorative justice” movement is consistent with the ethics of care because of its emphasis on the motives and needs of all concerned, rather than simply retribution. In personal relationships, the ethics of care would promote empathy and treating others in a way that does not hurt them. In this view, meeting needs is more important than securing rights.

In their text, Braswell and Gold (2002) discuss a concept called peacemaking justice. They show that the concept is derived from ancient principles, and it concerns care as well as other concepts: “Peacemaking, as evolved from ancient spiritual and wisdom traditions, has included the possibility of mercy and compassion within the framework of justice” (2002: 25). They propose that the peacemaking process is composed of three parts: connectedness, caring, and mindfulness:

- **Connectedness** has to do with the interrelationships we have with one another and all of us have with the earth.
- **Caring** is similar to Noddings’s concept that the “natural” inclination of humans is to care for one another.
- **Mindfulness** involves being aware of others and the world in all personal decision making (Braswell and Gold, 2002: 25–37).

To summarize, the ethics of care approach identifies the needs of all individuals in any ethical situation and attempts to maximize them. It is different from utilitarianism, however, in that one person cannot be sacrificed for others. Also, there is an attempt to resolve situations through human relationships and a sense that decisions should come from compassion rather than attention to rights or duties.

**Egoism: Ethical System Or Not?**

Very simply, **egoism** postulates that what is good for one’s survival and personal happiness is moral. The extreme of this position is that all people should operate on the assumption that they can do whatever benefits themselves. Others become solely the means to ensure happiness; there is no recognition of the rights of others under this system. For this reason, some have rejected egoism as an ethical system entirely, arguing that it is fundamentally inconsistent with one of the elements (“they are not self-serving”) (Baelz, 1977).
Psychological egoism is a descriptive principle rather than an ethical prescription. Psychological egoism holds that humans are naturally egoists and that it would be unnatural for them to be any other way. All species have instincts for survival, and self-preservation and self-interest are merely part of that instinct. Therefore, it is not only moral to be egoistic, but it is the only way we can be, and any other explanations of behavior are mere rationalizations. In behaviors that appear to be altruistic, such as giving to charity or volunteering, the argument goes that these acts provide psychic and emotional pleasure to the individual and that is why they do them, not for some other selfless reason. Even though acts such as running into a burning building or jumping into a river to save victims seem altruistic, psychological egoists believe that these acts occur because of the personality make-up of individuals who derive greater pleasure from being considered heroes, or enjoy the adrenalin rush of the dangerous act, more than the feeling of security derived from staying on the sidelines.

Enlightened egoism is a slight revision of this basic principle, adding that each person’s objective is long-term welfare. This 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 because these acts benefit the individual by ensuring reciprocal assistance. For instance, if you help your friend move when he asks you to, it is only because you expect that he will help you when you need some future favor. Under egoism, it would be not only impossible but also immoral for someone to perform a completely selfless act. Even those who give their lives to save others do so perhaps with the expectation of rewards in the afterlife. Egoism completely turns around the priorities of utilitarianism to put the individual first, before anyone else and before society as a whole; however, because long-term interests often dictate meeting obligations and helping others, enlightened egoists might look like altruists.

Adam Smith (1723–1790), the “father” of free enterprise, promoted a type of practical egoism, arguing that individuals pursuing their own personal good would lead to nations prospering as well. Capitalism is based on the premise that everyone pursuing self-interest will create a healthy economy: workers will work harder to get more pay; owners will not exploit workers too badly because they might quit; merchants will try to get the highest price for items whereas consumers will shop for the lowest price; and so on. Only when government or liberal do-gooders manipulate the market, some argue, does capitalism not work optimally. Ayn Rand (1905–1982) is perhaps the best-known modern writer/philosopher associated with egoism. She promoted both psychological egoism (that humans are naturally selfish) and ethical egoism (that humans should be self-interested). Libertarians utilize Rand’s writings to support their view of limited government and fierce individualism.

Most philosophers reject egoism because it violates the basic tenets of an ethical system. Universalism is inconsistent with egoism, because to approve of all people acting in their own self-interest is not a logical or feasible position. It cannot be right for both me and you to maximize our own self-interests because it would inevitably lead to conflict. Egoism would support exploitative actions by the strong against the weak, which seems wrong under all other ethical systems. However, psychological egoism is a relevant concept in natural law (self-preservation is natural) and utilitarianism (hedonism is a natural inclination). But if it is true that humans are naturally selfish and self-serving, one can also point to examples that indicate that humans are also altruistic and self-sacrificing. One thing seems clear: when individuals are caught doing illegal acts, or acts that violate their professional codes of ethics, or acts that harm others, it is usually only egoism that can justify their behavior.
CHAPTER 2
Determining Moral Behavior

Other Methods of Ethical Decision Making

Some modern writers present approaches to applied ethics that do not directly include the ethical systems discussed thus far. For instance, Krogstand and Robertson (1979) described three principles of ethical decision making:

- 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?”

These should sound familiar because they are, respectively, religious or absolutist ethics, utilitarianism, and ethical formalism. Ruggiero (2001) proposes that ethical dilemmas be evaluated using three basic criteria. The first principle is to examine one’s obligations and duties and what one has promised to do by contract or by taking on a role (this is similar to ethical formalism). The second principle is to examine moral ideals such as how one’s decision squares with prudence, temperance, justice, honesty, compassion, and other ideals (this is similar to Aristotle’s ethics of virtue). The third principle is to evaluate the act to determine if it would result in good consequences (this is utilitarianism).

Close and Meier (1995: 130) provide a set of questions more specific to criminal justice professionals and sensitive to the due-process protections that are often discarded in a decision to commit an unethical act. They propose that the individual decision maker should ask the following questions:

1. Does the action violate another person’s constitutional rights, including the right of due process?
2. Does the action involve treating another person only as a means to an end?
3. Is the action illegal?
4. Do you predict that your action will produce more bad than good for all persons affected?
5. Does the action violate department procedure or professional duty?

There are three general principles that can be drawn from all of the approaches above. Think of them as the three “F’s.” First, we are interested in attaining all the facts of the situation; this includes the effects of the decision on oneself and others. We can’t make good decisions unless we know all the facts, or, at least, as many as we can know. Second, the so-called “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. Public disclosure is often a good litmus test for whether something is ethical or not. Finally, the concept of a formula or rationale indicates that individual decisions should be based on a set of moral or ethical principles that would apply to all situations, rather than made ad hoc in each situation.

Most of us seek to make good decisions when confronted with moral or ethical dilemmas, and we believe that our decisions can be judged as good or bad. There is a school of thought, however, that holds that such judgments are purely subjective. We turn now to relativism, the idea that there can be no universal judgments of good or bad because there is no universal truth.
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. What is right is determined by culture and/or individual belief; there are no universal laws. There are two main arguments for relativism. The first argument is that there are many different moral standards of behavior. According to Stace (1995: 26), “We find that there is nothing, or next to nothing, which has always and everywhere been regarded as morally good by all men.” The second argument is that humans are incapable of determining what, if anything, is an absolute rule of morality. Who is to say what is right and what is wrong?

One may look to anthropology and the rise of social science to explain the popularity of moral relativism. Over the course of studying different societies—past and present, primitive and sophisticated—anthropologists have found that there are very few universals across cultures. Even those behaviors often believed to be universally condemned, such as incest, have been institutionalized and encouraged in some societies (Kottak, 1974: 307). Basically, cultural relativism defines good as that which contributes to the health and survival of society. As examples, societies where women are in ample supply may endorse polygyny, and societies that have a shortage of women may accept polyandry. Hunting and gathering societies that must contend with harsh environments may hold beliefs allowing for the euthanasia of burdensome elderly, whereas agricultural societies that depend on knowledge passed down through generations may revere their elderly and accord them an honored place in society.

In criminology, cultural differences in perceptions of right and wrong are important to the subcultural deviance theory of crime, wherein some deviant activity is explained by subcultural approval of that behavior. The example typically used to illustrate this concept is that of the Sicilian father who kills the man who raped his daughter, because to do otherwise would violate values of his subculture emphasizing personal honor and retaliation (Sellin, 1970: 187). A more recent case of subcultural differences involves a father who sold his 14-year-old daughter into marriage. Because he lived in Chicago, he was arrested; if he had lived in his homeland of India, he would have been conforming to accepted norms of behavior. In a recent case in Texas, state officials seized all the children of a polygamous religious sect called the Fundamentalist Church of Jesus Christ of Latter Day Saints, because they allegedly required underage girls to be married to the men in the sect. Because neither consent nor marriage is a defense to statutory rape, Texas laws were allegedly broken by the religious and cultural practices of the sect (Associated Press, 2008e).

We should also note how governments attempt to change culture through the criminal law. The cultural support in India for killing wives whose families do not provide a dowry is being slowly eroded by the current legal system that (albeit halfheartedly) investigates and punishes those responsible. Cultural relativists recognize that cultures have very different definitions of right and wrong, and moral relativists argue that there are no fundamental or absolute definitions of right and wrong. In opposition to this position, absolutists argue that just because there may be cultural norms endorsing such things as cannibalism, slavery, or having sex with 6-year-olds, the norms do not make these acts moral.

Although cultural relativism holds that different societies may have different moral standards, it also dictates that individuals within a culture conform to the standards of their culture. Therein lies a fundamental flaw in the relativist approach: If there are no...
universal norms, why should individuals be required to conform to societal or cultural norms? If their actions are not accepted today, it might be argued, they could be accepted tomorrow—if not by their society, perhaps by some other.

An additional inconsistency in cultural relativism is the corresponding prohibition against interfering in another culture’s norms. The argument goes as follows: Because every culture is correct in its definitions of morality, another culture should not step in to change those definitions. However, if what is right is determined by which culture one happens to belong to, why then, if that culture happens to be imperialistic, would it be wrong to force cultural norms on other cultures? Cultural relativism attempts to combine an absolute (no interference) with a relativistic “truth” (there are no absolutes). This is logically inconsistent (Foot, 1982).

Cultural relativism usually concerns behaviors that are always right in one society and always wrong in another. Of course, what is more common is behavior that is judged to be wrong most of the time, but acceptable in certain instances. As examples: killing is wrong except possibly in self-defense and war; lying is wrong except when one lies to protect another. Occupational subcultures also support standards of behavior that are acceptable only for those within the occupation. For instance, some police officers believe that it is wrong to break the speed limit unless one happens to be a police officer—even an off-duty one. Some politicians believe that certain laws don’t apply to them because they are the ones who create the laws or because they can substitute their own judgment about what is best for the country. Some of these decisions may be justified, but others may not be by any of the ethical decision-making methods we have discussed in this chapter.

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 (Harris, 1986: 136). Therefore, people who aggress first forfeit their own right to be protected from harm. This could permit self-defense (despite the moral proscription against taking life) and possibly provide justification for lying to a person who threatens harm. Critics of an absolutist system see this exception as a rationalization and a fatal weakness to the approach; in effect, moral rules are absolute except for those exceptions allowed by some “back-door” argument.

Alan Dershowitz, a well-known criminal defense attorney, has written a book of ethics in an attempt to explain how one should determine right and wrong. He argues that rights do not come from God because He does not speak to everyone in a single voice; they are not derived from natural law because nature is value-neutral; and they do not come from positive (man-made) law because it is subject to political influence. Dershowitz further disputes whether absolute rules can ever be sufficient to answer the questions of right and wrong. His conclusion is that our morals come from our experiences: morality is evolving and changes when major events change our thinking about actions. His example is that when something like the Holocaust occurs, there is an evolution of rights such that new and greater rights are recognized for everyone.

According to Dershowitz, this moral evolution occurs in fits and starts and is not gradual or consistent; however, once something has been lived through, there is a new way of thinking about rights. He uses the example that because of World War II and the after-the-fact recognition that we were wrong to place Japanese-American citizens in internment camps, after 9/11 we didn’t put Middle Eastern visitors and citizens of Middle Eastern heritage in similar camps (Dershowitz, 2004: 9, 94). One might argue
with his facts, however, in that after 9/11 many people did advocate internment and thousands of Middle Easterners who were in this country on visas or green cards were detained by authorities. Furthermore, it is interesting that Dershowitz has come out more recently in support of torture in certain circumstances, arguing that it is better to have rules and laws allowing torture in limited circumstances than to let it occur with no legal authority and, therefore, no legal oversight. His rationale, of course, is based on act utilitarianism: there is a greater good for everyone if the torture may reveal information that could save large numbers of people from harm. Perhaps he would also agree that in the future we may look back at waterboarding and other coercive interrogation techniques, and recognize the essential human right of everyone not to be tortured.

Absolutists would argue that the reason that things like the Holocaust, slavery, the slaughter of Native American Indians, the Armenian genocide, Japanese-American internment, the Bataan Death March, and torture in Abu Ghraib and Guantanamo happen is because people promoting what they consider to be a good end (security or progress) 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.

Relativism allows for different rules and different judgments about what is good. Universalists would argue that if moral absolutes are removed, subjective moral discretion leads to egoistic (and nationalistic) rationalizations.

### Toward a Resolution: Situational Ethics

**Situational ethics** is often used as a synonym for relativism; however, if we clarify the term to include certain fundamental absolute elements, it might serve as a resolution to the problems inherent in both an absolutist and a relativist approach to ethics. Recall that relativism, on the one hand, is criticized because it must allow any practice to be considered “good” if it is considered good by some people; therefore, even human sacrifice and cannibalism would have to be considered moral—a thoroughly unpalatable consequence of accepting the doctrine. Absolutism, on the other hand, is also less than satisfactory because we all can think of some examples when the “rule” must be broken. Even Kant declined to be purely absolutist in his argument that lying isn’t really lying if told to a person who is trying to harm us. What is needed, then, is an approach that resolves both problems.

Hinman (1998) resolves this debate by defining the balance between absolutism and relativism as moral pluralism. In his elaboration of this approach, he stops short of an “anything goes” rationale but does recognize multicultural “truths” that affect moral perceptions. The solution that will be offered here, whether one calls it situational ethics or some other term, is as follows:

1. There are basic principles of right and wrong.
2. These principles can be applied to ethical dilemmas and moral issues.
3. 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 laws are recognized, whereas under relativism there are no laws. What are absolute laws that can be identified as transcendent? Natural law, the Golden Rule, and the ethics of care could help us fashion...
a set of moral absolutes that might be general enough to ensure universal agreement. For instance, we could start with the following propositions:

- 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.

These principles would not have anything to say about dancing (as immoral or moral), but they would definitely condemn human sacrifice, child molestation, slavery, and a host of other practices that have been part of human society. Practices could be good in one society and bad in another. For instance, if polygamy was necessary to ensure the survival of society, it might be acceptable; if it was to serve the pleasure of some by using and treating others as mere objects, it would be immoral. Selling daughters into marriage to enrich the family would never be acceptable because that is not treating them with respect and care; however, arranged marriages might be acceptable if all parties agree and the motives are consistent with care.

To resolve the dilemma from Chapter 1 of the police officer who stops his father for driving while intoxicated, one might argue that the officer can do his duty and still respect and care for his father. He could help his father through the arrest process, treat him with care, and make sure that he receives help, if needed, for his drinking. Although this might not be enough to placate his father and the father might still be angry with him, as would others, their reaction could then be analyzed: Are they treating the officer with care and respect? Does the father respect his son if he expects him to ignore a lawful duty?

This system is not too different from a flexible interpretation of Kant’s categorical imperative, a strict interpretation of rule-based utilitarianism, or an inclusive application of the Golden Rule. All ethical systems struggle with objectivity and subjectivity, along with respect for the individual and concern for society. Note that egoism does not pursue these goals and that is why some believe it cannot be accepted as a legitimate ethical system. Interestingly, situational ethics seems to be entirely consistent with the ethics of care, especially when one contrasts this ethical system with a rule-based, absolutist system. In the ethics of care, you will recall, each individual is considered in the equation of what would be the “good.”

**Resulting Concerns**

Ethical systems provide the guidelines or principles to make moral decisions. Box 2.3 (“The Major Ethical Systems”) summarizes the key principles of these ethical systems. It can happen that moral questions are decided in different ways under the same ethical system. For instance, if facts are in dispute, two people using utilitarianism may “weigh” the utilities of an act differently. Capital punishment is supported by some because of a belief that it is a deterrent to people who might commit murder; others argue it is wrong because it does not deter (this is an argument about facts between two utilitarians). Others believe that capital punishment is wrong regardless of its ability to deter. Most arguments about capital punishment get confused during the factual argument about the effectiveness of deterrence. “Is capital punishment wrong or right?” is a different question than “Does capital punishment deter?”

Another thing to consider is that none of us is perfect; we all have committed immoral or unethical acts that we know were wrong. Ethical systems help us to understand or analyze morality, but knowing what is right is no guarantee that we will always do the right thing. 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 point is that just because some behaviors are understandable and perhaps even excusable does not make
them moral or ethical. Finally, few people consistently use just one ethical system in making moral decisions. Some of us are fundamentally utilitarian and some predominantly religious, but we may make decisions using other ethical frameworks as well.

**BOX 2.3**

**The Major Ethical Systems**

- **Ethical formalism.** What is good is that which conforms to the categorical imperative.
- **Utilitarianism.** What is good is that which results in the greatest utility for the greatest number.
- **Religion.** What is good is that which conforms to God’s will.
- **Natural law.** What is good is that which is natural.
- **Ethics of virtue.** What is good is that which conforms to the Golden Mean.
- **Ethics of care.** What is good is that which meets the needs of those concerned.
- **Egoism.** What is good is that which benefits me.

Most of us try to behave ethically most of the time. Dilemmas arise when we are confused about the right thing to do or when the right thing to do carries considerable cost. Detective Poole knew what the right course of action was. He also knew that he would pay a price for doing it. In fact, he was transferred to a less prestigious position and denied a promotion. He was vilified and treated as a traitor by some officers when he went public with his evidence of a cover-up. Ultimately, he resigned from the Los Angeles Police Department (Golab, 2000). This illustrates the sad fact that doing the right thing sometimes comes at a price.

**CONCLUSION**

In this chapter, we have explored some of the major ethical systems. Ethical systems are ordered principles that define what is right or good. Each of these ethical systems answers the question “What is good?” in a different way. Sometimes the same conclusion to an ethical dilemma can be reached using several different ethical systems, but sometimes using different ethical systems can result in contradictory answers to the determination of goodness.

Ethical systems are more complex to apply than they are to explain. For instance, utilitarianism is fairly easy to understand, but the measurement of utility for any given act is often quite difficult. Ethical formalism says to “do one’s duty,” but it does not help us when there are conflicting duties. The ethics of care emphasizes relationships but is vague in providing the steps necessary to resolve ethical dilemmas. More applied approaches utilize steps one can take to resolve ethical dilemmas. These steps often include the ideas of obtaining all facts, applying a “front page” test (or exposing the decision to outside scrutiny), and applying a formula or set of principles. Whether morals are relative or absolute has been debated throughout time. The concept of situational ethics may help to reconcile the question as to whether ethics are ultimately subjective or universal.
1. Define deontological and teleological ethical systems and explain ethical formalism and utilitarianism.

A deontological ethical system is one that is concerned solely with the inherent nature of the act being judged. If an act or intent is inherently good (coming from a good will), it is still considered a good act even if it results in bad consequences. A teleological ethical system judges the consequences of an act. The saying “the end justifies the means” is a teleological statement. Kant’s ethical formalism defines good as that which conforms to the categorical imperative, which includes the universalism principles, the idea that we shouldn’t use people, and the stricture that we must do our duty through a free will in order to be considered moral. Utilitarianism, associated with Jeremy Bentham, defines good as that which contributes to the greatest utility for the greatest number.

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

Under Judeo-Christian religion, what is good is determined by God’s will. One can know God’s will through one’s religious leaders or the Bible. Other religions also have statements of good and evil and sources to use to determine what is good. Under natural law, good is determined by what is natural. Moral rules are considered similar to other natural laws, such as gravity. Even if humans have not discovered these moral rules, or disagree about what they are, they still exist. Under the ethics of virtue, goodness is determined by the virtues. Aristotle and others have identified what are considered to be moral virtues. Those who possess such virtues will make the right decision when faced with a moral dilemma. The ethics of care is based on the emotions of relationships. Caring is the basis of this morality.

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

Most who write in the area of applied ethics reject egoism as an ethical system because it is self-serving and logically inconsistent. It doesn’t make sense to have a universal rule that everyone should pursue self-interest, because our self-interests will inevitably conflict. Proponents of ethical egoism also believe in psychological egoism, the idea that we are, by nature, purely self-interested. Under this view, we are egoists and, therefore, to pursue our self-interest is a good.

4. Explain the controversy between relativism and absolutism.

Absolutist ethics allow no exceptions to moral rules for exceptional circumstances. Relativism seems to allow individuals to define anything as morally acceptable, even acts that would be considered wrong under universal moral rules. The compromise is situational ethics, which propose a very few absolute rules that will support different decisions in different circumstances.

5. Identify the three consistent elements of most of the approaches to resolving ethical dilemmas.

Most of the step-based approaches include the following: one must know the facts of the situation; one should apply the “front page” test; and one should use a formula or set of moral or ethical principles to resolve any ethical dilemma.
KEY TERMS

act utilitarianism  
categorical imperatives  
cultural relativism  
deontological ethical system  
egoism  
enlightened egoism  
ethics of care  
ethics of virtue  
generalization principle  
hypothetical imperatives  
impersonal principle  
moral pluralism  
natural law  
peacemaking justice  
principle of forfeiture  
principle of the golden mean  
psychological egoism  
religious ethics  
rule utilitarianism  
situational ethics  
telesological ethical system  
utilitarianism  
utilitarian principle

STUDY QUESTIONS

1. What are the elements of any ethical system, according to Baelz? What are the three parts of the ethical pyramid?
2. What are the three parts of the categorical imperative? What is the difference between act and rule utilitarianism?
3. What are the three ways to know God’s will? What are the 6 Pillars of Character?
4. What are Krogstand and Robertson’s three principles of ethical decision making?
5. Explain the differences between situational ethics and relativism.

WRITING/DISCUSSION EXERCISES

1. Write an essay (or discuss) the ethical systems in regard to the following situations:
   a. In the movie Sophie’s Choice, a woman is forced to choose which one of her children to send to the gas chamber. If she does not decide, both will be killed. How would ethical formalism resolve this dilemma? How would utilitarianism resolve it?
   b. There is a continuing debate over whether the United States had to bomb Hiroshima and Nagasaki at the end of World War II. Present the arguments on both sides. Now consider this: Are they utilitarian arguments, ethical formalist arguments, or some other?

2. Write an essay on (or discuss) the basic nature of humans. Are we basically altruistic? Basically egoistic? Include in this essay responses to the following and examples to support your answer: What are the “natural” inclinations of human beings? Do you think most people do the right thing out of habit or out of reason?

3. Write an essay (or discuss) whether ethics and morals are relative or absolute. Are there absolute moral truths, or is morality simply an individual’s definition of right and wrong? Should everyone have the right to decide which behaviors are acceptable for them? Should all cultures have the right to decide what is right? If you believe there are absolute definitions of right and wrong, what are they?
ETHICAL DILEMMAS

Situation 1
You are the manager of a retail store. The owner of the store gives you permission 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?

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 definitely 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 in order 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, 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 definitely lead to a promotion?