LESSON 10

RESOLVING ETHICAL DILEMMAS

THE SUPREME COURT PACING THE FLOOR TRYING TO REACH A TOUGH DECISION

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Resolving Ethical Dilemmas

Prework for students: the reading "Resolving Right-versus-Right Ethical Dilemmas"

Objectives

By the end of this lesson, students will know three different principles for resolving an ethical dilemma and will be able to apply each of them to a number of actual dilemmas. They also will understand the concept of finding a third way out.

Opening

"In the last lesson, we talked about a number of dilemma examples in which either of two possible choices might be right. But how do we decide which choice is the *higher* right?"

Strategies

- Before class, review the Tips for Teachers included with this lesson.
- Begin class with a discussion of the ends-based, rule-based, and care-based principles referred to in the reading.
- As a class of the whole, apply each decision principle (and the concept of the third way out) to one or more of the dilemmas analyzed in Lesson 9.
- Then try the Jigsaw Decision Making activity to reinforce these concepts.
- Recognize and appreciate students for their thoughtful discussion of dilemmas.
- Notebooks: Using the Dilemma Reflection worksheet in Lesson 12, ask students to write up their homework assignment for inclusion in their notebooks.

Reflection Questions

- For each dilemma example, ask:
    - What would I do if I used the ends-based approach? the rule-based approach? the care-based approach?
    - Is there a third way out of this dilemma?
    - What should I do and why?

Closure and Transition

"Understanding the importance of ethics and knowing how to tackle tough dilemmas is not all there is to being ethical—we also need to be able to take action based on our

beliefs and decisions, even if taking that action is not easy. In the next session, we'll explore the concept of 'moral courage.' "

Homework Assignment

Assign one or more of the dilemma worksheets to students. Ask them to bring one real-life dilemma (either their own or somebody else's) to class. In preparation for Lesson 11, have students complete the Moral Courage Worksheet, found in Lesson 11.

Lesson Assessment: Revisions for Next Time

Resolving Right-versus-Right Ethical Dilemmas

A Process to Decide

Analyzing a dilemma is helpful because it causes us to think carefully about the problem and because it provides a framework from which to make a decision. But analyzing a dilemma is not the same as resolving it. In this section, you will learn a process for determining the *highest right* in a *right-versus-right* ethical dilemma. This includes a series of steps.

Step 1: Apply Each of the Three Decision Principles

This part of the process involves applying three time-tested principles for deciding ethical dilemmas. These principles are drawn from the traditions of moral philosophy. To make them easy to remember, we've given them three short labels: *ends-based, rule-based,* and *care-based.*

ENDS-BASED Thinking

This principle is best understood by the saying, "Do whatever provides the greatest good for the greatest number."

In philosophy, this is called the principle of utilitarianism, and it was first stated by Jeremy Bentham in 1789. To figure out the greatest good, you first have to predict what the outcome of your decision will be. Ask: "If I make this choice, what will happen? If I make the other choice, what will happen? Which of these two actions will produce the most good (or least harm) for the most people?" The ends-based approach is a form of consequentialism because you cannot determine the "greatest good" without guessing what the future consequences will be.

RULE-BASED THINKING

ACCORDING TO THIS PRINCIPLE, WE MUST ASK, "IF EVERYONE IN THE WORLD WERE TO DO WHAT I AM ABOUT TO DO—TO FOLLOW THE RULE OF ACTION THAT I AM ABOUT TO FOLLOW—IS THAT THE KIND OF WORLD I WOULD WANT?"

This principle is drawn from the work of the German philosopher Immanuel Kant, who coined the phrase *categorical imperative* in the 18th century. He put it this way: "Act only on that maxim through which you can at the same time will that it should become a universal law."

Rule-based thinking is opposed to ends-based thinking. It challenges the idea that we can ever really know what the consequences of our actions will be. Instead, the rule-based thinker says one must always stick to one's principles and let the chips fall where they may.

CARE-BASED THINKING

THIS THIRD PRINCIPLE COMMANDS THAT WE DO TO OTHERS WHAT WE WOULD WANT OTHERS TO DO TO US.

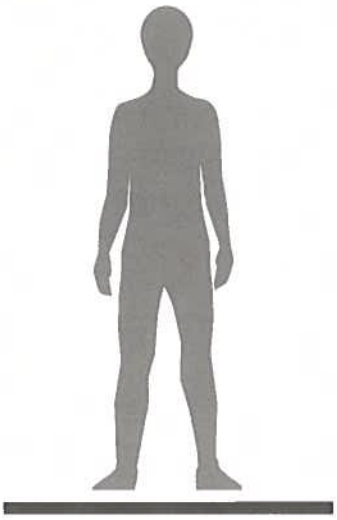
This is most commonly known as the Golden Rule, although philosophers also call this a rule of reversibility. In other words, it asks you to test your actions by putting yourself in another person's shoes and imagining how it would feel if you were the recipient of the action you are about to take. This rule is so universal that it appears at the center of every one of the world's great religious teachings.

So, what would you do and why? These three suggested approaches are tools—practical ways to help you work through the ethical options in any right-versus-right decision. Even if you are more comfortable with one or another of the three approaches, try using all three before making a final decision.

And remember, this is not a mathematical process. Even if two principles suggest one choice and the third principle suggests the other, you may

favor the choice supported by only one principle. Making a decision will always be *intuitive*, as well as *rational*.

▶ Step 2: Consider the Trilemma Option—Try to Find a Third Way Out



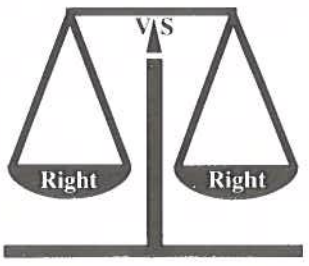
What if, after thinking through the ends-based, rule-based, and care-based approaches, you still cannot see which solution is best? Your next step, then, is to search for a third way out.

Ask yourself questions such as these:

- Is there some action I can take that will honor both rights? For example, in a truth-versus-loyalty dilemma, is there a way I can be loyal yet still behave in a manner compatible with telling the truth?
- Is there some creative action I can take? Can I find a new way to look at the possibilities?
- If I involve other people in my decision or action, can we find a better way out together?

Often, if we take the time to think it through, a new solution will appear.

▶ Step 3: All Things Being Equal, What Do I Do?



- Sometimes, applying the ends-based, rule-based, and care-based principles to your dilemma will not give you a clear answer.
- Sometimes, even after searching for a third way out, you cannot find such an option and there really are only two possible choices.
- So how do you make a decision when it seems that both sides are equally right?

Since both sides represent ethical positions—that is, each side can be seen to be right based on shared human values—you will have to search your

knowledge and experience to reach an answer. Consider each dilemma paradigm separately, asking questions such as the following:

Truth versus Loyalty

- Think about what you hear on the news every day. Do you think the stories you hear indicate more problems because people are not truthful or more problems because people have been disloyal?
- What if people always told the truth instead of being loyal? Can you think of situations in which this might be a problem?
- What if people always chose loyalty over truth? Would that be better or worse than always telling the truth?

All things being equal, would you choose truth over loyalty or loyalty over truth? Why?

Self versus Community

- Which is more of a problem these days—groups who take advantage of individuals, who step on an individual's rights, or individuals who do their own thing regardless of what it means for everyone else? Give some examples.
- If we always pick what's best for us individually, how will that affect everyone else? On the other hand, if we always pick what's best for the whole group, how will that affect each of us?
- To what extent do the community's interests also reflect our own personal interests?

All things being equal, would you choose self over community or community over self? Why?

Short Term versus Long Term

- When you look at the decisions your parents' generation has made, do you think they were based more on the needs of the moment or the needs of the future? How do you feel about that? What about decisions made by your grandparents' generation?

- What are some good examples of decisions made for survival in the short term? What about the long term?

All things being equal, would you choose the short term over the long term or the long term over the short term? Why?

Justice versus Mercy

- Imagine a world that is entirely just and fair, but has no compassion. What would that world look like? Now imagine a world that is totally compassionate and caring, but with no concept of justice. What would that world look like? Which world would you rather live in?

All things being equal, would you choose justice over mercy or mercy over justice? Why?

▶ Step 4. Decide and Take Action

At some point, you must decide what you believe is the right thing to do and find the moral courage, if necessary, to do it.

▶ Step 5: Reflect

Later on, revisit your decision. Do you still think you did the right thing? If not, what will you do differently the next time?

▶ Example

You learn, during a private conversation after school, that a member of your community service-learning class lives in a homeless shelter. The person who tells you swears you to secrecy. The very next day, during service-learning class, another student suggests that the class pursue a project

involving the homeless shelter. Should you take that classmate aside and tell what you know, or keep it to yourself?

In the previous reading, we decided that this right-versus-right dilemma is an example of the truth-versus-loyalty type. It is right, we said, on the one hand, to tell the student suggesting the homeless shelter project the truth to avoid embarrassment for the student who lives at the shelter. But it is also right not to tell because the person who told you in the first place asked you to keep it secret and you promised you would.

ENDS-BASED APPROACH: DO WHATEVER PROVIDES THE GREATEST GOOD FOR THE GREATEST NUMBER.

First ask, what would be the consequences of each decision?

- **What would happen if you revealed your secret to your classmate?** Hopefully, she would withdraw her idea for a homeless shelter project, and your other classmate, who lives in the shelter, would avoid embarrassment. But would the former classmate keep quiet about what she now knows? If the person who told you found out you broke your promise, that person would most likely be very upset with you. Perhaps if you shared your reason for telling, that person would understand.
- **What would happen if you didn't say anything at all?** Probably the person who told you the news originally would be happy you didn't tell. And the classmate whose idea it was to work in the homeless shelter would be able to pursue her idea, perhaps even achieving something meaningful for the shelter itself. But how would the student in the shelter feel when people talked about the homeless? How would that student feel if and when students actually started visiting the shelter?

Then ask, which choice would result in the greatest good for the greatest number? What does the ends-based principle suggest you do?

RULE-BASED APPROACH: WHAT IS THE RULE OF ACTION THAT I WOULD WANT EVERYONE IN THE WORLD TO FOLLOW?

What possible rules of action exist for this situation? Some possible rules include:

a) Never interfere in something that is not your own personal business.

b) Always keep your promises, regardless of the results.

c) Always tell the truth, and let the consequences fall where they may.

Can you think of other possible rules? What rule applies best in this situation? What is the most ethical position to take? If everyone in the world were to do what you are about to do, what would that be? A rule-based decision will depend upon selecting the rule that seems most ethical. If (a) or (b) were most ethical, given the facts of the situation, then you would not tell. If (c) were most ethical, then you would tell.

CARE-BASED APPROACH: DO TO OTHERS WHAT YOU WOULD WANT THEM TO DO TO YOU.

Who are the others in this dilemma? Some of the others include: the student who lives in the homeless shelter, the student whose idea it is to do a project involving the shelter, your class as a whole, and the person who revealed the identity of the student who lives in the shelter.

If you put yourself in the position of each of the others, would you tell or not tell? The student who lives in the shelter would almost certainly prefer that no one knew about it, so that student would want you to take whichever action that maintains the secret. The person who told you in the first place would want you not to tell. What would the others want?

Now that each of the decision principles has been applied to the dilemma, do you have a clear sense of what the right thing to do is? If so, then the process has been completed. If not, look for the "trilemma option."

TRILEMMA OPTION: IS THERE A THIRD WAY OUT, A WAY THAT WOULD HONOR BOTH RIGHTS?

Brainstorm some possible scenarios. For example:

- You could just say to the student with the idea for a homeless shelter project, "Look, I cannot tell you the details, but it's important, at least this year, not to pursue the homeless shelter idea. Is there another idea we can promote instead?"
- Back when the other person started to share the secret, you might have said, "Before you tell me any secrets, you should know that I cannot guarantee that I will not need to share that information with someone else."
- A third possibility might be to go to the teacher for assistance in preventing any embarrassment to the student who lives in the shelter.

So think it through, make a decision, and then be aware of what happens and how you feel about it. Did you make the right decision? Would you do it differently if you had to make the decision all over again? Why?

> "To choose not to choose is still to act."
>
> —*Jean-Paul Sartre*

RIGHT-VERSUS-RIGHT DECISION PRINCIPLES

ENDS-BASED: Greatest good for the greatest number

RULE-BASED: "If everybody did this . . . ."

CARE-BASED: Put yourself in the other person's position

Tips for Teachers

Remember to emphasize that each of these decision approaches represents a valid and respected principle among philosophers around the world and over the course of history. Two different students might make two different decisions in a particular situation, but, if the decision involves a right-versus-right conflict of core values and is based on at least one of these sound philosophical principles, then each decision will be an ethical one. Also, while students might tend to prefer one principle of decision making over another, the value of this exercise is that it encourages each decision maker to see other approaches as equally worthy.

Cautions

- In applying the three decision principles, it is important not to become distracted by a natural tendency to believe that if two principles suggest one decision and one principle suggests another decision, then the vote is two to one and the highest right has been determined by majority rule. This is not the case. Each of the decision principles is equally valued, and your intuition may favor one principle over the other two.
- The idea that there is more than one right answer in these types of dilemmas is not the same as ethical relativism. Strictly speaking, ethical relativists assert that there are no broadly applicable norms. Morality makes sense, ethical relativists say, only in the context of a particular culture in a particular place at a particular point in time. In this unit on ethical decision making, we assert that there are core values shared across cultures that take priority over other values; also, that there are a number of time-tested philosophical principles available for use in resolving right-versus-right ethical dilemmas, regardless of the cultural context or point in history.

In many right-versus-right ethical problems, it may seem there are only two options and that they are mutually exclusive. But often, after deep thinking about a dilemma, a third way—a kind of middle ground between the extremes—appears.

We call this the "trilemma" option. Not all dilemmas are open to this type of solution, but it is important—especially when neither mutually exclusive option seems quite right—to learn to ask, "Is there a third way out?" Sometimes, in fact, the third way out is the best solution.

Jigsaw Decision Making

Purpose

- To intensify student understanding of each of the three decision principles as they apply to specific dilemmas

Preparation and Materials

Prepare your methodology for assigning students to three groups. Select a dilemma from the Dilemma Examples in Lesson 9 in which you believe there will be a real difference of opinion among students. Prepare the Right-versus-Right Decision Principles overhead.

Process

- Review the philosophical ideas behind each of the three principles in the Right-versus-Right Decision Principles overhead. After students exhibit a solid grasp of the three principles, divide them into three groups. Assign each group one of the three principles to apply to the selected dilemma examples. Tell students that their assignment in these small groups is to come up with the decision that their specific principle would most likely arrive at, and to explain why they came to that decision. Allow about 15 minutes for this part of the activity.
- **Optional Role Playing:** If there is time, you might want to ask each of the three groups to role play the decision they think their principle would suggest for the class as a whole.
- Then make small groups to include one or two members from each of the principle groups (ends-based, rule-based, and care-based). Tell students that their first assignment is to share with other group members the decision that their principle-based group arrived at and why that decision was chosen. Next, after each perspective has been shared, ask them to come up with a decision, taking into consideration all three principles as well as the concept of the third way out. What would they do and why?
- Debrief the exercise. Ask questions such as:

  —What decision did you come to?

  —Was there a third way out?

  —How did you feel when you had to represent only one decision principle?

—Did you ever feel you were manipulating a decision principle to come to a previously arrived-at decision?

—Was it easier to make a decision when you only had to use one principle than when you had to use all three?

Practicing Ethical Decision Making

Purpose

- To enhance student involvement by working with the students' own real-life dilemma stories
- To reinforce their understanding of the total ethical-fitness process

Preparation & Materials

This lesson will require two sessions, or one double period. Arrange the room for small-group work and have a flip chart, markers, and tape available.

Process

Part One

- Divide the class into small groups of four or five. Hand out the Nine Checkpoints for Ethical Decision Making list. Ask the members of each group to tell their real-life dilemmas to the others in their group. Allow up to five minutes per story and encourage the presenters to follow the first three steps on the Nine Checkpoints list when telling their stories. Also emphasize that they are to tell the story, *but are not to tell the ending yet!* Remind students that people's names and other information can be changed, if needed, but the stories should be real.
- After each dilemma has been told, have the other members of the group first test it for right versus wrong and then identify any applicable paradigm(s). Circulate among the groups to observe (and give pointers, if necessary).
- After all dilemmas have been told and analyzed, ask each group to select one story to share with the class as a whole. As each group shares its story, ask the following questions: *Who* is the actor in the story? *Where* did the story take place? *What* was the dilemma (and the two rights)? *What* paradigm(s) was identified? Jot down the answers for each story on a separate page of the flip chart.

Part Two

- Review the three decision principles, and select one of the dilemmas outlined on the flip chart to practice the resolution process with the whole class. Apply each principle, ask if there is a third way out, and move towards a consensus as to what

ought to be decided. Then ask the student whose dilemma it is to *describe what decision was actually made.* Compare what really happened with what the class thought would be best to do.

- Assign the remaining stories back to the small groups for resolution, consensus building, and comparison of what actually happened to what the small group decided would be best. (Each group will have had one story processed in the larger class setting as an example, so ask them to process the stories they didn't share.)
- Have the small groups report back to the class as a whole for each of the remaining stories listed on the flip-chart pages.
- To conclude, emphasize the nine checkpoints process.

Nine Checkpoints for Ethical Decision Making

1) Awareness: Recognize there is a moral issue
2) Actor: Whose dilemma is this?
3) Facts: Gather all the relevant details
4) Right versus Wrong: Test for wrongdoing
    - Legal test
    - Gut-feeling test
    - Front-page test
    - Role-model test
5) Right versus Right: Determine paradigm(s)
6) Resolution: Apply resolution principles
7) "Trilemma": Is there a third way out?
8) Decision: Decide what to do
9) Reflection: Revisit the decision later

Based on *How Good People Make Tough Choices: Resolving the Dilemmas of Ethical Living* by Rushworth M. Kidder, William Morrow and Company.

Subject Adaptation Suggestions

History and Social Studies

- Consider policy making going on right now in your community. What issues are elected officials currently facing? Interview these officials and ask them to describe a conflict they are facing from their point of view. Interview several key actors. Then, using the decision-making process, analyze and resolve the issue as a class and compose a letter to those you interviewed about how you think the issue could be addressed.

Language Arts

- Ask students to complete a two-part assignment:

  1) Using a real-life (their own or someone else's) dilemma, write up the dilemma. Use the examples in this curriculum as models. Include the actor, the context, the facts of the situation, and a concluding paragraph that states the two rights involved. Use the best of these stories to build your own library of dilemma examples.

  2) On a separate page, have students write up the analysis and resolution process, including the writer's best opinion of what should be decided. If known, describe the actual resolution of the dilemma.

Math and Science

- Ask students to research one of the great moral dilemmas of math or science. Using the Nine Checkpoints for Ethical Decision Making list as a guide, students should analyze the dilemma, apply the resolution principles, and suggest a decision. Students will then compare their decision to what actually happened. Did the actor make a good decision? Why or why not?

Visual Arts

- Create a video project involving dilemma scenarios. Have students select the strongest examples of each dilemma paradigm for inclusion in a video that can be used to explain the decision-making process to other students. Have small groups of students role play each scenario and develop the narration necessary to walk the audience through the process.