Tab Five: Dilemma Resolution

SESSION IV: DILEMMA RESOLUTION

SESSION OVERVIEW

It is not enough simply to understand what kind of ethical problem we are facing. How can we approach identifying the higher right? What series of steps can lead us to a resolution?

In this session, we explore three decision-making principles drawn from the traditions of moral philosophy. We call them the Ends-Based, Rule-Based, and Care-Based principles.

Ethical Fitness™, the overall objective of this workshop, is like physical fitness—it needs to be practiced to be learned. Our ethical values need to be acted upon, and sometimes this requires moral courage.

OBJECTIVE

By the end of this session, participants 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 session, 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? In this session, we will learn about some time-tested, yet practical, tools for resolving ethical dilemmas.

STRATEGIES

Take time, in your introduction, to explain the decision principles, and give examples (see the sample script). Next, introduce the concept of finding a third way out. Apply the three principles and the third way out to one or more of the stories outlined on your flip chart. This process will be most valuable in helping participants to see how the principles should be applied.

Then send the participants back to their small groups to practice the resolution process. If you have time, or want to do something different, select one of the stories shared with the whole group earlier and try the Jigsaw Decision Making activity. Summarize the day using the Nine Checkpoints for Ethical Decision Making.

Key Questions

For each dilemma, 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?

Closure

Devise a closing statement consistent with the original purpose of your seminar. Some ideas:

- You might close with Rushworth Kidder's resolutions for dilemmas, "all things being equal," or with your own interpretation. See the sample script.
- Or, ask participants to share, individually, how they plan to put these ideas into action.
- Or, refer back to the critical importance of being ethical in the current technological age, using the participants' particular industry as an example.
- Or, refer back to the fundamental role shared values can play in improving an organization's climate of trust. Explore, or set up a committee to explore, how these ideas might be integrated into a company's policies and procedures.
- And so on . . .

SESSION IV: DILEMMA RESOLUTION

INTRODUCTION TO RESOLVING DILEMMAS

- Selecting paradigms is not resolving dilemmas. Problem analysis is not decision making.
- But it helps us understand the decision to be made—we see the core values that are in apparent opposition.
- Removes preachiness: Gives us a way to talk about ethics without self-righteousness.
- Therefore, this approach is conducive to conflict resolution and negotiation.

Poem: Emily Dickinson, "Tell All the Truth." Truth is essential, but so is the telling of it.

RESOLUTION PRINCIPLES

The Three Resolution Principles for helping determine the higher right. Put up on flip chart or overhead:

- Ends-Based
  - —Consequentialist
  - —Utilitarianism
- Rule-Based
  - —Nonconsequentialist
  - —Categorical imperative
- Care-Based
  - —Golden Rule
  - —Reversibility

ENDS-BASED

Utilitarian: greatest good for the greatest number

- Depends on our knowing outcomes, assessing impacts
- Consequentialist: teleological (*teleos:* ends)

- So ends are important
- But not to be confused with "ends justify the means."

Rule-Based

Building a category of action: nonconsequentialist or deontological

- Kant's categorical imperative: "I ought never to act except in such a way that I can also will that my maxim should become a universal law."
- "If everybody did this" is a statement of universal law. Is this the world you want to live in?
- So motives are important, but not to be confused with "he meant well."

  A lady drops a $10 bill in the grocery store. Do you pick it up and return it? Remember you are setting the rule for everyone who will find a $10 bill in the grocery story. It is easy to see that, in the world we want to live in, the $10 bill will be returned.

  You finish your ice cream cone, all except the butt end, and consider throwing the butt end in the gutter. The utilitarian will say, so what? What is one ice cream cone behind one bush in the middle of this shopping center going to matter? The Kantian will say, that's not the point. Imagine that everyone will always, wherever they are, throw the butt ends of ice cream cones into the gutter. You cannot know the results of your actions.

Care-Based

Golden Rule: Do unto others as you would have them do unto you.

- Reversibility criterion: Put yourself in the other person's position.
- This is universal, not just Christian. The word *Golden* is not used in the Bible—it's Confucius's word.

  —Jesus: "All things whatsoever ye would that men should do to you, do ye even so to them, for this is the law and the prophets."

  —Talmud: "That which you hold as detestable, do not do to your neighbor. That is the whole law: The rest is but commentary."

  —Islam: "None of you is a believer if he does not desire for his brother that which he desires for himself."

  —Confucius: "Here certainly is the Golden Maxim: Do not do to others that which we do not want them to do to us."

- Similar statements occur in Hinduism, Buddhism, Taoism, Zoroastrianism, etc.

- So: You can trust this as a universal rule, and not think you are being sectarian or peculiarly religious if you invoke it.
- John Rawls: the veil of ignorance (see *How Good People Make Tough Choices,* pp. 160–161).
- Imagine you have not yet been born. Craft the policy that will be fair to you wherever you are born.

Application of the Rules

These rules provide several useful tools. You may tend to find yourself naturally drawn to one or the other, but all are valid; none is "wrong."

- Examples:
  —Stanford AIDS case
  —Ends-Based: Tell everyone.
  —Rule-Based: Honor privacy.
  —Care-Based: Who are the "others"?
- Librarian rape case (see *How Good People Make Tough Choices,* pp. 13–14)
  —Ends-Based: Tell detective.
  —Rule-Based: Honor confidentiality rules.
  —Care-Based: Depends on who is the other
- Trooper's dilemma (see *How Good People Make Tough Choices,* pp. 57–58, 164–167)
  —Ends-Based: Kill him.
  —Rule-Based: Thou shalt not kill. (You can never be sure of the end. Moments after you have killed the driver, a fire truck might arrive to put out the fire.)
  —Care-Based: Preserve life.

  Note: The trooper's dilemma illustrates the "third way" so important to many resolutions.
- Demonstrate application of the rules using examples from this seminar's dilemmas.

Small Groups

Apply principles to dilemmas in groups.

Large Group

Reconvene the large group.

- How did you resolve the dilemmas and why?
- Final discussion

Conclusion

Summarize, using the Nine Checkpoints for Ethical Decision Making handout (and pp. 183–186 of *How Good People Make Tough Choices*).

I hope you've seen that:

- Ethical issues are serious and immediate.
- Ethical relativism is not a useful foundation. There are shared values upon which we can build.
- Dilemmas are not mysteries, but subject to clear right-versus-right analysis.
- There are moral principles that can be applied to help resolve dilemmas.
- Don't be surprised if this is not all tied up neatly: These are challenging ideas.

Rushworth Kidder's ways of resolving the Four Dilemma Paradigms, all things being equal:

- Given the experiences of the 20th century, we have seen how loyalty can wreak an enormous amount of damage. I cannot imagine how truth could do that.
- All things being equal in the case of the individual versus community, I would come down on the side of community, since the individual is part of the community, but the community is not a part of the individual.
- Short-term–versus–long-term argument is similar to that of individual versus community.
- For justice versus mercy, I can imagine a world that is so entirely loving that justice as we now know it is no longer necessary. I cannot imagine a world that is so entirely just that we would no longer need mercy.

Final question: What are you going to do with this?

TELL ALL THE TRUTH

Tell all the Truth but tell it slant—
Success in Circuit lies
Too bright for our infirm Delight
The Truth's superb surprise
As Lightning to the Children eased
With explanation kind
The Truth must dazzle gradually
Or every man be blind—

—Emily Dickinson

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.

Resolution Principles

Ends-Based: Utilitarianism

- "The greatest good for the greatest number"
- Consequentialist (Teleological)

Rule-Based: Categorical Imperative

- Universal Law: Immanuel Kant
- "I ought never to act except in such a way that I can also will that my maxim should become a universal law."
- Nonconsequentialist (Deontological)

Care-Based: Golden Rule

- "Do to others as you would have them do to you."
- Reversibility

Nine Checkpoints for Ethical Decision Making

1) **Awareness:** Recognize that 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
- Professional-standards test
- Gut-feeling test
- Front-page test
- Role-model test

5) **Right versus Right:** Determine paradigms

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

From *How Good People Make Tough Choices: Resolving the Dilemmas of Ethical Living* (Simon & Schuster, 1995) by Rushworth M. Kidder

JIGSAW DECISION MAKING

PURPOSE

- To intensify participants' understanding of each of three decision principles as they apply to specific dilemmas

PREPARATION AND MATERIALS

Prepare your methodology for assigning participants to three groups. Select a dilemma from the Dilemma Examples in Tab Eight or from one of the situations presented in the last session. It helps to select a dilemma for which you believe there will be a real difference of opinion. Prepare the Right-versus-Right Decision Principles or Resolution Principles overhead.

PROCESS

- Review the philosophical ideas behind each of the three principles in the Right-versus-Right Decision Principles or Resolution Principles overhead. After participants 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 them 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 group 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 participants 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?

CAUTIONS CONCERNING THE DILEMMA RESOLUTION PROCESS

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 individuals 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 participants 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.

Tough Questions You Might Get Asked

1) Why isn't truth always the highest right?

Consider the following example: You're a U.S. soldier hiding in the attic of a Kuwaiti friend's house during the Persian Gulf War. An Iraqi soldier knocks on the door and asks your Kuwaiti friend if he has any U.S. soldiers hidden inside his house. Clearly, you would hope that your Kuwaiti friend will say, "no."

But why should your Kuwaiti friend say no? What is the truth, and what response will serve the ends of truth? In this case, while the objective truth is that you are, in fact, hiding in your friend's attic, the greater truth is that your friend, by not engaging in truth telling, may be serving a higher truth by saving your life. If telling the truth will not serve the ends of truth, then perhaps it is better not to answer malicious questions forthrightly.

As Rushworth Kidder puts it, "Being truthful is one thing. Telling all the truth on every occasion, however, is something else" (*How Good People Make Tough Choices*, p. 123).

2) If both sides are right, why not just draw straws? Or, since there's no right answer, why is this useful?

After participating in the Ethical Fitness™ Seminar, you'll probably be aware of the difference in how deeply you understood your group's dilemmas at different stages during the process:

- First, after, hearing them told
- Second, after discussing which dilemma paradigms apply
- Finally, after applying each of the three decision principles

At each stage along the way, new aspects of a dilemma tend to come to light, creating more insight into which right is the higher right.

If at this point there still is no clearly higher right, then there's an opportunity to ask, "Is there a third way out?" If this analysis fails to provide an answer, then perhaps you might be forced to draw straws. However, even then, you will need to make a decision keeping

in mind that, tomorrow, you will have to face yourself in the mirror. Remember, too, that the thought exercise you complete for deciding a right-versus-right ethical dilemma must be revisited and revised as the results of the decision unfold.