

## Critical Analysis

***Read this section and refer to it not just for your coursework but throughout the unit***

### **How to analyse ethical scenarios or your own ethical dilemma and make decisions accordingly**

(adapted from Blaise W. Liffick, ETHICOMP95; Kalman and Grillo, 1996; Kevin Bowier, 2001)

The task of critical analysis begins with deconstruction, the breaking down the scenario into its component parts. The essential ideas and issues must be identified. Not until then can you begin to analyze the moral and ethical issues and come to any conclusions.

#### **1. Understand the situation**

- List and number the relevant facts
- Which of these raises an ethical issue/s? Why? What is the potential or resulting harm?

2. **Identify all stakeholders** and define who is a primary and who is secondary stakeholder. Stakeholders may be expressly named in the scenario or they may be implied (e.g. software users, wider public, airplane passengers etc). Where it is possible to simplify the list, then do so.

#### **3. Isolate the major ethical dilemma**

- Which dilemma is to be resolved NOW - should someone do or not do something? (just state it now, leave the reasoning or justification for later)

4. Consider, whether there are **legal implications** in the scenario? Has any law been broken, does the law provide an answer or conclusion?

5. **Informal guidelines** for deciding how you or the main protagonist would act in an ethical dilemma situation:

Does it pass

- the smell test: does your instinct tell you there is something wrong?
- the Mum test: would you tell her? Would she do it?
- the TV test: would you tell the nationwide audience?
- the market test: could you advertise the activity to gain a market edge?
- Are there people who want you to keep quiet?

#### **6. Formal guidelines**

Does the act violate

- any company policy?
- any corporate or professional code of practice or code of ethics?

#### **7. Ethical Principles**

Always ask questions and answer them according to the principles of the appropriate theory:

**If action is done and if action is not done and which is preferable...**

- **Consequentialism** (teleology): who/what (if anyone) will be harmed? Who (if anyone) will benefit? Which alternative results in harm or benefit?

- Does the action minimize actual and potential harm?
- Egoism: good for me, minimal harm to me?
- Utilitarianism: good for the group, least harm to the group?
- Altruism: good for all, some harm to me?

- **Rights and Duties Theory** (deontology): what rights have been or may be abridged and what duties may be or have been neglected? If alternative action is taken, what rights and duties arise then?

- Are there any rights abridged?

- The right to know
- The right to privacy
- The right to property
- Are there any duties or responsibilities not met?
- Personal duties:
  - Trust
  - Integrity
  - Justice
  - Truthfulness
  - Gratitude and Reparation
  - Benefice and Nonmaleficence
  - Self-improvement
- Professional Duties (responsibilities)
  - Maintain appropriate professional relationships
  - Maintain efficacy
  - Maintain confidentiality
  - Maintain impartiality
- ***Kant's Categorical Imperative:***
  - Who (if anyone) will be treated with disrespect?
  - Who (if anyone) will be treated unlike others, what are the benefits?
  - The principle of consistency: what if everyone acted the same way?
  - The principle of respect: are people treated as ends rather than means?

### **Making a decision and planning an implementation**

1. Make a defensible ethical decision based on your analysis using any of the theories above. Add any argument justifying your choice of the ethical principles to support your decision.
2. Where there is a conflict of rights and duties choose and defend those that take precedence.
3. List specific steps needed to implement your ethical decision.
4. Show how the major stakeholders are affected by your action.
5. What should have been done or not done in the first place?
6. What other long term changes (political, legal, technical, societal, organizational ..) would help prevent such problems in the future?