# RESEARCH ETHICS MINI ROUNDS

a series of modular study units

## Module I
## Research Ethics: an Introduction

**Central Essay by Dr. Tom Regan**
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This is the first module in a series of instructional modules, and is part of the Research Ethics Initiative. The Selections and commentary are by Nell Kriesberg, The Graduate School, North Carolina State University, with the assistance of Dr. Tom Regan.

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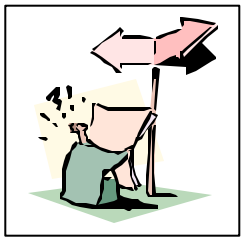
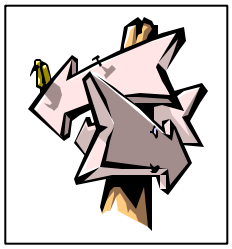

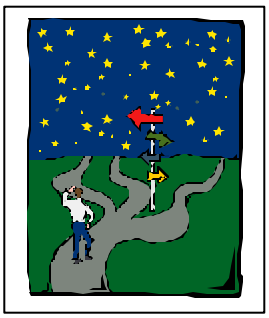

## ABSTRACT

**Research Ethics: an Introduction, Module 1 in the Ethics Mini-Rounds focuses on the process of making moral decisions. Summaries are given of the approaches labeled Consequentalist, Non-Consequentalist, Virtue Ethics and Care Ethics. Dr. Tom Regan presents a "moral checklist" for making decisions; a central theme is conflict in duties. There is an expanded discussion of conflicts in duties and the two case studies included expand upon this theme. We note two different methods for moral reasoning; one is personal autonomy and the other is following formal guidelines. Another duty, the "duty to do research" is reviewed. We include a comment on the toll of making the right decision. The Additional Resources section consists of an annotated bibliography of articles, books and websites.**

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## INTRODUCTION

**This module is like a road map that you keep in the glove compartment, a guide for the rigorous thinking that goes into making ethical decisions. Although, as Alfred Korzybski the noted mathematician said, "The map is not the territory," to venture forth without a plan would be akin to doing research without a protocol. There is a great deal of superb writing on research ethics; we have acted as a filter, selecting what seems both practically helpful and current. As you develop your personal Research Ethics Portfolio, this module will be supplemented with other documents, materials that suit both your personal style and discipline.**

**All the selected readings are available as electronic course reserves at the NC State Library. Just click on the highlighted title to access the reading.**

**This first module in the series, Research Ethics: an Introduction, will familiarize students with the "materials and methods" of doing research ethics. Our expert is Dr. Tom Regan, from the Department of Philosophy and Religion at North Carolina State University. In subsequent modules we will refer back to this Lesson One, as a kind of primer. Why do we need a primer? Can't we just go by our gut? After all, it would seem that researchers are particularly skilled in problem solving.**

**Although intuition is valuable both in research and in ethics, it is not sufficient in and of itself. We make decisions in an orderly fashion when conducting an experiment, and we need to be equally orderly in our moral reasoning. In the latter case we are trying to decide what is good and what is bad; i.e. we are making value judgments.**

> **"All is not murky when it comes to research ethics. Every researcher knows that fabricating data, plagiarizing someone else's work, or making unfounded charges about another researcher is unacceptable behavior. No one needs special training in research ethics to know this. Even so, all of us probably can recall situations where we were genuinely uncertain about what we should do and where, whatever we decided, our decision was controversial."**
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> **Tom Regan, "Research Ethics: an Introduction," p 2.**

Values can be both quantitative and qualitative. The former, tangible and easy to grasp, are the "facts" of our research or question and are often discipline specific. A quantitative value would be weight, mass, color, shape and so on. Qualitative values, not as tangible, are the "stuff" of ethics. They cross disciplines and involve attitudes we bring to our research activity, such as fairness and honesty.

Qualitative values are the key to moral reasoning. When we ask, "What should I do?" the answer depends, in part, on how important we rate characteristics such as fairness, honesty and duty. In the Central Essay to this module, Dr. Regan describes a moral compass we can use, presents a "moral checklist," and discusses the values that go into making ethical decisions.

"In speaking of good and bad, we must distinguish carefully between moral and nonmoral values. Only the former lies within the realm of ethics. Nonmoral values involve preferences among colors, foods, clothes, music, sports teams, climate and the like. Moral values including loyalty, honesty, humility, arrogance, and the like involve attitudes toward people and other living things."

Edmund G. Seebauer and Robert L. Barry, Fundamentals of Ethics for Scientists and Engineers, Oxford University Press, New York, 2001, p. 72. (reading)

At the eighth annual Teaching Research Ethics workshop at The Poynter Center (May 2001) Dr. Ken Pimple gave a talk based on his paper, "The Six Domains of Research Ethics: a Heuristic Framework for the Responsible Conduct of Research." He noted that "concerns about the ethics of any particular research product or project can be divided into three categories: 1. Is it true? 2. Is it fair? 3. Is it wise?" (http://php.ucs.Indiana.edu/~pimple/6domains.pdf)

"A course in research ethics cannot, and should not have as its central focus the question, "Why should I be moral" This question, while important, is not specific to the field of scientific research. A course in research ethics...must be a course that teaches the tools for making ethical decisions relative to matters of research. It will be designed for those scientists who are already committed to being ethical researchers. Such a course should provide students the answers to the question, "How *can* I make moral decisions?"

The Ethics of Scientific Research: A Guidebook for Course Development, Judy E. Stern and Deni Elliot, University Press of New England, 1987, p. 3. reading located here

# RESEARCH ETHICS
## An Introduction

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Ethics is a familiar part of everyday life. All of us evaluate the moral character of other people, the fairness of government policies, and our own behavior in relation to our personal ideals, to cite only a few examples. Like the air we breathe, ethics is everywhere. Not surprisingly, therefore, ethics makes its presence felt in the professions. Whatever we do as professionals, we find ourselves in situations where we must make our best judgment about what is right, or fair, or obligatory. It goes with the territory.

Recognition of the ethical dimensions of professional life has given rise to a growing number of areas of special interest, including health care ethics, legal ethics, veterinary ethics, journalism ethics, architecture ethics, business ethics, and engineering ethics. Among educators, business leaders, and national policy makers, there is a growing consensus that young people are better prepared to embark on a professional career if they have been introduced to critical thinking skills they will need when they face the ethical challenges that await them.

### What Is Research Ethics?

It is against this backdrop that research ethics (fn1) should be viewed. True, when some people hear these words (”research ethics”), what they hear is the suggestion that somebody thinks someone is doing something wrong. But this is not what these words mean. The words themselves make no accusation; nor do they raise any suspicion of wrongdoing. Like it or not, as researchers, we find ourselves in situations where we must answer ethical questions that arise in the context of our research, whether the subject of our inquiry is the origins of stringed instruments or the subtleties of string theory, just as health care professionals, whatever their area of expertise or specialization, must answer ethical questions that arise in the context of health care. “Health care ethics“ (these words) refer to the process of critically reflecting on ethical questions that

health care professionals face, in their capacity as health care professionals. The same is true of research ethics. These words ("research ethics") refer to the process of critically reflecting on ethical questions that researchers face, in their capacity as researchers.

Research ethics, then, is not synonymous with charges of wrongdoing; but neither is it synonymous with the laudatory practice of encouraging and rewarding professionally responsible behavior. Our life as researchers is unquestionably the better, the more we are surrounded by people who can be counted on to respect both the standards of exemplary practice and the principles of basic decency. The time taken to recognize researchers whose life and work are ethically exemplary, and the effort made to encourage the next generation of researchers to follow their example, are time and effort well spent certainly; both help create an ethically supportive research environment. Nevertheless, to ask what steps should be taken to help create such an environment is not what research ethics is. Fundamentally, research ethics concerns itself with ethical questions researchers confront, no matter how ethically supportive the environment in which they find themselves.

The ethical questions researchers face not only differ in their specifics; they also differ in kind. For example, sometimes we face a difficult decision in our own life; at other times, we find it necessary to evaluate someone else's behavior; and at still others, we are called upon to explore the moral, social, legal, or political implications of the research we do. Questions of this latter kind, though they are important, will receive only modest attention in the present essay. The main focus here will be on less general questions concerning right and wrong.

## Ethical Dilemmas

All is not murky when it comes to research ethics. Every researcher knows that fabricating data, plagiarizing someone else's work, or making unfounded charges about another researcher is unacceptable behavior. No one needs special training in research ethics to know this. Even so, all of us probably can recall situations where we were genuinely uncertain about what we should do and where, whatever we decided, our decision was controversial. The following much discussed hypothetical example (fn 2) invites answers that exhibit both these characteristics: uncertainty and controversy.

> In Europe a woman named Hilda was near death from a rare type of cancer. There was one drug that doctors thought might save her. It was a form of radium that a druggist in the same town had recently discovered. The drug was not expensive to make, but the druggist was charging ten times what the drug cost to make. He paid $200 for the radium and charged $2,000 for a small dose of the drug. Hilda's husband, Heinz, went to everyone he knew to borrow the money, but he could only get about $1,000. He told the druggist that his wife was dying, and asked him to sell it cheaper or let him pay later. But the druggist said, "No, I have worked very hard and sacrificed a great deal to discover this drug. It is my property. I have a moral right to it, protected by law, and another moral right to decide what to do with it. And what I want to do is make as much money as I can so I can make my life more enjoyable. I am not running a public charity." So Heinz got desperate and began to think about breaking into the man's store to steal the drug.

Should Heinz steal the drug? Would he be doing something wrong if he did? Before exploring possible answers, it is important to distinguish what they ask from other questions that frequently arise in contexts of ethical uncertainty. For example, we often ask ourselves what we would do if we found ourselves in someone else's position. Asking this question in response to Heinz's dilemma helps us "walk in Heinz's shoes," so to speak, which can help us better understand his predicament. But saying how we would act will not tell us what Heinz should do. To make this clearer, suppose some people say they would steal the drug. And suppose they are sincere: they really would steal it. However, knowing what these people *would* do addresses no question about what anyone *should* do. After all, what they would do might turn out to be wrong. When we ask, "Should Heinz steal the drug?," therefore, we are not asking what we would do, if we faced the same choices he did.

Another thing we are not asking is what we would think about Heinz, the person, whichever choice he made. Suppose Heinz decided to steal the drug. If he did, we might view him as a devoted husband, willing to risk possible arrest, even punishment as the cost of doing everything possible to help his wife. Few will deny that such devotion is an admirable quality. Once again, however, there

is no guarantee that the choices made by devoted husbands (and the same is true of devoted wives) are morally right. Imagine that Hilda was dying of kidney failure, not cancer, and that what Heinz stole was not a drug but someone's kidney, the non consenting "donor" dying in the process. No one will seriously suggest that this theft by Heinz, carried out in the name of his devotion to his wife, would be above moral reproach. Clearly, acts done by devoted husbands for the benefit of their wives, as well as those done by devoted wives for the benefit of their husbands, can be wrong. Thus, when we ask our questions about Heinz's choices ("Should Heinz steal the drug? Would he be doing anything wrong if he did?"), we are not asking what we would think about Heinz, the person, if he acted as he did because of his devotion to his wife.

Heinz had two obvious choices.(fn 3) He could steal the drug, which might save his Hilda's life; but then he would be taking something that was not rightfully his, breaking the law, and risking possible arrest and punishment. Or Heinz could accept the druggist's decision, obey the law, and avoid these risks; but then Hilda would never get to try a drug that might save her life. Given the situation as described, what should Heinz do?

Different people answer differently. Ethical dilemmas are like that. When different people are asked what they think, they give different answers; if they did not (if everyone gave the same answers), they would not be real dilemmas in the first place. Still, while disagreement is to be expected when we face with real dilemmas in ethics, there is one point on which everyone can agree: whatever answer is given, it needs to be backed by relevant reasons. Someone who said, "It would be wrong of Heinz to steal the drug because he has a foreign name, and I don't like people with foreign names," or "Heinz should steal the drug because the druggist is just trying to get rich, and I don't like rich people," for example, would not pass this test.

As these examples suggest, answering ethical questions is not simply a matter of saying how we feel or what we like. We all know this from everyday experience. If friends ask for our moral advice, they are asking a different kind of question than if they ask members of the Wolfpack Club how they feel after a close State loss to Carolina, or if they ask patrons of the Golden Corral what they enjoy most: grilled tofu or a sirloin steak? Our feelings and preferences are important certainly; but they are not the stuff out of which our moral judgments are made.

If this is true, then the adage, “anything goes,” does not apply when it comes to offering rational support for the moral judgments we make. Saying how we feel or what we like (or dislike) is not enough. If we are to make our best ethical judgment, we need to offer reasons that are relevant to the judgment we make; and we need to critically evaluate their relative importance, whatever these reasons are. When we confront hard cases (like the Heinz dilemma, for example), trying to satisfy either or both of these requirements can test our patience as much as it challenges our intellect.

## An Emphasis on the Practical

Philosophers have been thinking about ethical questions and devising ethical theories for more than two thousand years; one has only to read the works of Plato (c. 430-347 B.C.E.) and Aristotle (384-322 B.C.E.), for example, to glimpse moral philosophy’s ancient lineage and to begin to appreciate the rich diversity of moral theorizing. As is true of theories in the natural sciences, moral theories set forth principles that are abstract, timeless, and universal. Theories of justice, for example, do more than ask whether the laws that protect the druggist's property rights (assuming that he has such rights and that such laws exist) are just or unjust; rather, they ask what makes any law, at any place and time, just or unjust. And theories of right and wrong do more than ask which of Heinz's choices would be the right one; rather, they ask what makes any act, done by any person, at any place and time, ethically right or wrong.

If moral philosophers had their way, everyone would take a course (or two) in moral theory; with that kind of background, these philosophers think, the exploration of questions that arise in any area of applied ethics, including research ethics, would be deeper and more rewarding. Philosophers seldom get their way, however, and as important as the critical assessment of competing moral theories is, exploring theoretical questions will not be the central focus here. Instead, the primary emphasis is on the practical. Some considerations arguably always are morally relevant, no matter the situation. The hope is that, by identifying what these considerations are, we might fashion a useful conceptual compass that can be consulted when we are called upon to make our best ethical judgment. How critical reflection on these considerations can be applied to Heinz's dilemma, and how further reflection on that dilemma naturally leads to questions in ethical theory, will be explained below.

## What Considerations Are Morally Relevant?

Among the considerations that always are relevant, five stand out. The first concerns matters of fact; the second, conceptual clarity; the third, moral virtues and vices; the fourth, kinds of duties; and the fifth, supererogation (doing more than duty requires). An explanation of each follows.

### 1. Facts

Ethical questions do not rise out of thin air; without exception, they are framed by a more or less complicated factual background. In the Heinz case, as presented, it is a fact that Hilda was dying of cancer; a fact that the druggist had a drug doctors thought might help her; and a fact that Heinz tried to raise the money the druggist was asking.

It is important to keep facts separate from values or norms. The facts of a case are those features that can be verified by using ordinary empirical procedures. For example, it is a fact that the druggist will not sell his drug to Heinz for less than $2,000; we know this because he says so. And it is also a fact that the druggist claims to have a moral right to dispense his drug as he chooses; we know this because he says this, too. But whether the druggist actually has this right is not something we can decide just by taking his word for it. Who has what moral rights (assuming that some people do) is not something we can decide just by knowing what someone says.

For obvious reasons, the "facts of the case" always are relevant. If we are mistaken about the facts--if we get the facts wrong--then all manner of ethical reflection will come to naught: we will be thinking about what would be right, or fair, or obligatory in *some* case, but not in the case before us. Clearly, getting the facts right is essential, especially when it comes to identifying the *stakeholders* in any given situation and to describing *what each has at stake* in that situation. In the Heinz case, for example, there are three obvious stakeholders: Heinz, Hilda, and the druggist. Moreover, at least some of what each has at stake also is obvious. To fail to ask what the different courses of action might mean to each of them guarantees that our judgment will be less than the best we can make.

As important as it is to know what the facts are, knowing what they are is not enough. All the facts tell us is *what is the case* (for example, Heinz has raised

$1,000). What the facts cannot tell us is *what should be done.* Should Heinz steal the drug? Or should he take the druggist's word as final? In response to questions of right and wrong--questions about what should or should not be done--the facts are moot. While knowing the facts is a prerequisite for making our best ethical judgment, knowing the facts leaves ethical questions unanswered.

## 2. Concepts

Just as ethical questions always have a more or less complicated factual background, they almost invariably involve concepts or ideas whose meaning requires thoughtful analysis. In the Heinz case, as we have seen, the druggist asserts his moral right to ownership of his drug as well as his moral right to decide how much he will charge for it. It is, he says, his intellectual property. What does this mean? What makes the drug his *property*? And what does the druggist mean when he claims to have a *moral right* to dispense the drug as he chooses? Unless we understand the meaning of the druggist's assertions, we are in no position to decide whether we agree or disagree with what he asserts. And until we know whether we agree or disagree with him, we are in a less than ideal position to say what Heinz should do. To ask questions about the meaning of the key concepts involved, especially the morally significant concepts (the concept of a moral right, for example), is always morally relevant.

However, like knowing the facts, understanding key concepts leaves ethical questions unanswered. Even if we completely understand what it means to say that the drug is the druggist's intellectual property, for example, that by itself will not tell us whether it would be morally wrong for Heinz to steal it.

## 3. Virtues and Vices

All of us can agree that some people are morally better than others. For example, some people have greater moral integrity and a more expansive sense of moral responsibility than many of their peers. Such people can be counted on to try to determine what is just, or fair, or obligatory and, having made their best judgment, to act accordingly. For them, the resolve to act morally is an essential part of what makes them who they are. Given the world as we find, populated with the people we find in it, it is safe to say that not everyone is like this.

The moral virtues (integrity, honesty, responsibility, courage, and fairness, for example) are greatly to be praised, just as those who embody them are greatly to be admired. The reverse is true of the moral vices (a lack of integrity, dishonesty, irresponsibility, cowardice, and unfairness, for example) and of those people who embody them. To the extent that our mentoring of students can influence the direction of their moral growth, we are well advised to encourage behavior that nurtures the development of virtuous character. As was noted earlier, everyone benefits from working in an ethically supportive environment. But even as we praise the moral virtues and those people who have them, it should be evident that knowing how a virtuous person would behave, while always relevant, does not tell us everything we want to know.

People who are fair, for example, can be counted on to look for where justice lies in a given situation; then, after having decided where this is, they can be counted on to put their thoughts into action. That this is good, few will deny. That this is not enough, everyone should affirm. To know *how* fair minded people will behave does not tell us *what* is fair in any given situation. When it comes to answering that question, the moral virtue of fairness has nothing to say. And the same is true of the other virtues. For example, one does not learn what responsibility someone has, in a particular case, merely by saying that a responsible person can be counted on to act in a responsible manner. Thus, while we should all hope that the moral virtues set deep roots in everyone; and while we should all acknowledge that it is always relevant to ask, "How would a morally virtuous person approach this situation?," we should also recognize that answers to these questions will not tell us what moral judgment or decision should be made.

## 4. Duties

To ask what we ethically should do is to ask what our duty is. People who are nihilists when it comes to morality have a short answer. Ethics is a sham; the moral virtues and vices, a fantasy; the idea of moral duty, a fiction. For nihilists, nothing is right or wrong; nothing, virtuous or vicious; nothing, good or evil. The world just is what it is, and the people in it just do what they do.

The present occasion does not lend itself to mounting a serious philosophical response to these challenging convictions. Even as we acknowledge that moral nihilism is a possible outlook, it is unlikely that many

(or any) researchers actually believe that there is nothing wrong with fabricating data, plagiarizing someone else's words, or making unfounded charges about another researcher, let alone that there is nothing wrong with murder, rape, child abuse, and chattel slavery. For these reasons, the assumption will be made that ethics is not a sham; the moral virtues and vices, not a fantasy; the idea of moral duty, not a fiction.

Now, if we had one and only one duty, or if we had different duties, none of which ever came into conflict with one another, knowing what should be done would be relatively straightforward. In fact, however, the moral life is not like this. Not only do we have a plurality of duties of different kinds; the different kinds of duties we have can conflict with one another. To a considerable degree, this is why deciding what we ought to do sometimes is so difficult. The difficulty arises, not because we have to decide between doing what is clearly right and doing what is clearly wrong; knowing what our duty is in a case like that is not difficult at all. The difficulty arises because we find ourselves in circumstances where we have to decide between doing what is right and doing what is right; we have to decide, that is, which of two or more duties has the greater moral claim on us.

What kinds of duties do we have? Nothing like a complete answer is possible here. Nevertheless, understanding the kinds of duties described below might help us identify what is at stake when different duties conflict. To know this will not answer the moral question, "*What should we do* when our duties conflict?" But knowing what kind of duties we have can help us better understand the moral question we are asking.

Five kinds of duty can be distinguished. They are non discretionary duties; discretionary duties; special duties; duties of justice; and duties of utility. A brief discussion of each follows.

Non discretionary duties

Some duties impose obligations on us to treat everyone in the same way. For example, the duty to speak the truth and the duty to keep a promise are duties of this kind. In general, we are not free to pick and choose to whom we will speak the truth, whose rights we will respect, or to whom we will keep a solemn promise we have made. Granted, in exceptional circumstances (in war time, for example), it may be permissible to do things that it would be wrong to do in ordinary circumstances. But here the exception proves the rule. When we

are not in exceptional circumstances, when we are living life as it is usually lived, some of our duties are owed equally to everyone.

Discretionary duties

Unlike our non discretionary duties, discretionary duties do not impose obligations to treat everyone in the same way. For example, virtually everyone agrees that we should be willing to make sacrifices in our personal life to help those in need--the victims of a natural disaster, such as hurricane Floyd, for example. Of course, some people (think of Scrooge in Dickens's "A Christmas Carol") might deny that we have duties of this kind even while they agree that we have non discretionary duties, including the ones identified in the previous paragraph. This certainly is a possibility. Given present purposes, however, let us assume that we are morally obligated to help the less fortunate; then we can explain why having a duty of this kind differs from having a non discretionary duty.

The difference concerns personal discretion. For whereas we are not in a general way free to pick and choose to whom we should speak the truth, we are in a general way free to do this when it comes to deciding for whom we will make personal sacrifices. Some people channel their generosity through their place of worship; others work independently; still others "give at the office." And this is as things should be. We do not have a duty to donate our money or our labor to *every* person who needs them because we have a duty to do this for *some* people. The identity of those who are the recipients of our generosity, as well as those who are the beneficiaries of our exceptional care, compassion, and thoughtfulness, is left for each of us to decide.

Special duties

Special duties are another important layer of our moral life. These are duties we assume because we voluntarily choose to take on various roles (that of teacher, coach, bank teller, sales clerk, law enforcement officer, etc.) or because we stand in a unique relationship to someone, as parents do to their children, or friends to friends, for example. Our special duties do not subtract from our other duties. For example, coaches do not cease to have the duty to speak the truth to others just because they have a special duty to make themselves available to their players, anymore than parents cease to have a duty to help the needy just because they have a special duty to feed and clothe their own children. As these

examples illustrate, our special duties add to our other duties; they do not cancel them.

An important class of special duties involves responsibilities prescribed by the professions. Many professional organizations, from the American Mathematical Association and the American Historical Association, to the Funeral Ethics Association and American Rock Art Association, have Codes of Ethics or statements of conduct that set forth professionally agreed upon standards of behavior for anyone who enters the profession. For example, in its Code of Ethics of Engineers, the Accreditation Board for Engineering and Technology lists seven Fundamental Canons, the first three of which read as follows:

> 1. Engineers shall hold paramount the safety, health and welfare of the public in the performance of their professional duties.
> 2. Engineers shall perform services only in the areas of their competence.
> 3. Engineers shall issue public statements only in an objective and truthful manner.

Although the various codes differ in their specifics, the overall message is the same. To enter a profession is not merely to start a new job; it is also to assume new responsibilities, new duties. An essential part of preparation for entering a profession is instruction in what these responsibilities are.

Instruction of this kind takes time. Professional duties sometimes vary from one professional to the next; the duties veterinarians have to their patients, for example, differ from the duties lawyers have to their clients. Moreover, even when different professions prescribe the same general duty, what is prescribed may differ. For example, conventions concerning who should be listed among the authors of an article in botany may differ from those concerning who should be listed among the authors of a paper in political science. It is unlikely that an adequate explanation of professional duties, whatever the profession, can be given over coffee or by posting the applicable code of ethics above the departmental copier.

How often ethical problems arise in a research context because people do not know what their professional responsibilities are is uncertain. What is not uncertain is whether this ever happens. Given the not unreasonable assumption

that the fewer such problems, the better, we are well advised to institute appropriate programs of preventive ethics across the disciplines. The best approach to ethical problems in research is to prevent them from occurring in the first place. To take the necessary steps to insure that everyone knows what is expected of them can help achieve this desirable objective. The familiar saying, "An ounce of prevention is worth a pound of cure," is not only true of human health.

Duties of justice

Duties of justice are an important subset of non discretionary duties. As the words suggest, these duties concern what is just. Because justice is intimately connected with respect for individual rights, duties of justice can be understood as duties to treat people in various ways because they have a right to be treated in these ways.

Two kinds of rights are relevant: (i) legal rights and (ii) moral rights. Legal rights, such as the rights to vote and to inherit property, are created and protected by law; as such, legal rights can vary from one country to another, and within the same country at different times. For example, women are prohibited from voting in some countries today, and at one time were prohibited from voting in America. By contrast, moral rights, such as the rights to life and to liberty, are conceived to be universal, timeless, and equal. If *any* human being has a moral right to life, for example, *all* human beings, at all times and in all places, have this same right--and have it equally.

Whether people have moral rights and, if so, what rights they have are questions much debated by philosophers. Among the vast majority of people living in representative democracies, however, the rights of the individual--such rights as the right to life, liberty, bodily integrity, and private property--are viewed as central to an enlightened morality. Thus, while openly acknowledging that this is philosophically controversial, it will be useful to side with the majority on this matter; that way we can explain both how duties of justice differ from other duties and why the idea of a moral right is so important.

Duties of justice are conceptually distinct from discretionary duties. People who should be treated in a given way because of their rights are in a (moral) position to demand, or insist, or require that they be treated in this way; such treatment is something they can claim as owed or due. The same is not true of discretionary duties. Although we can agree that people should be kind,

generous, and compassionate, no particular person has the right to demand, require, or insist upon another's kindness, generosity, or compassion. The people who knock on our door to solicit contributions for worthy charities are well intentioned, no doubt; but none of them has a right to demand that we write a check to help their cause rather than another.

Duties of justice also are conceptually distinct from other non discretionary duties. While it may be true that all unjust acts are wrong, it is not true that all wrong acts are unjust. Exceptional circumstances to one side, it is wrong to lie or break a promise, but in neither case is an injustice done. In general, injustice involves taking more than is one's due or withholding from others that to which they are entitled. By contrast, a promise broken, for example, neither takes nor withholds anything from the person to whom the wrong is done.

In view of their importance, it should not be surprising that some ethical controversies arise because of disagreements about who has what rights--and also because of how much weight competing rights have. For example, two geneticists might both claim to have an exclusive property right to the same discovery, and a psychologist's right to go forward with his research might conflict with the right of his human subjects to give their informed consent. There is no simple answer, no "one size fits all" solution to situations in which different people claim the same right or where the rights of one person conflict with those of others. Each case must be examined on its merits, viewed in the context in which the conflict arises.

The example of the psychologist helps introduce two important features of moral rights, given a strong interpretation of such rights. First, these rights have a moral status akin to a "No Trespass" sign. Possession of such rights limits what others are morally free to do. To say that we have a moral right to life, to liberty, and to bodily integrity, for example, in part means that no one is at liberty to take our life, compromise our freedom, or use our bodies, unless (assuming we are competent and fully informed) we give them authorization to do so. This is why the psychologist would be doing something wrong if he went ahead with his research without the informed consent of his subjects. Such conduct "trespasses" on his subjects' right to liberty; it violates their right to decide, that is, what they will do, assuming they are competent and fully informed.

Second, the rights of individuals have a moral status akin to a trump card in a game like bridge. In such a game, the lowest trump card (the deuce of diamonds, say) is more powerful than the highest card from another suit (the ace of spaces, for example). According to the strong interpretation, moral rights are like this; as the trump suit in the moral game, individual rights are more important than other morally relevant considerations, including what would advance the welfare of others. Even if society in general would benefit as a result of the psychologist's research, that would not justify violating the moral rights of his human subjects, given a strong interpretation of moral rights. On the contrary, their rights trump any social good that might obtain, which is why doing the research would be wrong.

Duties of Utility

What people do often makes a difference to the quality of life experienced by others. This is obvious when people are the victims of physical or psychological assault, or when they find great pleasure or comfort in the company of others. However, people can be benefited or harmed in many ways because of how they are treated. How parents treat their children, and how students are treated by their teachers, for example, can markedly add to or detract from the quality of life of those involved.

Some philosophers believe that all duties depend on what makes life more enjoyable. This is the view favored by the classical utilitarians, Jeremy Bentham (1748-1832) and John Stuart Mill (1806-1873). The right thing to do, they maintain, is the act that will bring about the best balance of pleasure over pain for everyone affected by the outcome. This is what makes all right acts right, and anything short of this is what makes all wrong acts wrong.

Not everyone is a classical utilitarian; not even all utilitarians are classical utilitarians. Even among those who reject this moral outlook, however, few believe that the effects our actions have on the quality of life of others is morally irrelevant. How the welfare of others will be affected, for good or ill, can be *a* relevant consideration without it having to be the *only* relevant consideration. This is perhaps most plausibly true in cases where others will be gravely harmed as a result of what we do; where they have not done anything to deserve the bad things that will befall them; and where we could decide to act differently, without causing any great loss or hardship to ourselves. Whatever our duty

might be in such a case, the grave, preventable harm done to others certainly seems to be a morally relevant consideration.

As should be apparent, duties of utility can conflict with duties of justice. Suppose very serious harm to a large number of people can be prevented by using a few non consenting humans in biomedical research. In such a case, considerations of utility arguably would come down on the side of conducting the research; the good of the many outweighs the rights of the few.

"Not true!," proponents of the strong interpretation of human rights will protest. For them, the rights of the few trump the good of the many.

Where the truth lies when utility conflicts with justice is a question to which we will return below. Suffice it to say, at this juncture, that some of the ethical dilemmas researchers face are variations on this familiar theme. At one time or another, each of us probably has had to decide, or will have to decide, which is more important: respecting the rights of some people or advancing the welfare of others.

## Supererogation

Sometimes people do more than duty requires. Acts of this type, acts that, in words familiar to everyone, are "above and beyond the normal call of duty," are supererogatory. The acts of people who save the lives of others, at great risk to themselves, are a clear example of this kind of behavior. Through their actions they rise to the level of moral heroes, behaving in ways that separate them from the vast majority of humanity. It is only fitting, therefore, that we extend to them commendation and admiration reserved for a small handful of exceptional people. However, precisely because moral heroes do more than duty requires, it makes no sense to say that duty requires that they do it. More generally, it makes no sense to say that supererogatory acts are obligatory. That much granted, it still remains morally relevant to ask whether someone has acted in a supererogatory manner, and also whether someone is being asked to do so.

## Crafting an Ethical Compass

All of the considerations identified in the preceding are plausibly viewed as morally relevant. Unless we can be given a good reason why we should not do so, it is always relevant to ask what role considerations of each type play in any

given situation. It might be helpful, therefore, to craft a conceptual compass, so to speak, by drawing the several questions together. The hope is that, by having such a compass at our disposal (it will be supplemented below, and all the questions will be gathered together at the end), we might better chart our course when we find it necessary to traverse difficult moral terrain. Among relevant questions are the following.

1. What are the morally relevant facts of the case? In particular, who are the stakeholders? And what does each stakeholder have at stake?
2. Which (if any) concepts need to be clarified before we can make our best ethical judgment or decision? In particular, are there any evaluative or normative ideas that require thoughtful analysis?
3. Is anyone behaving in a virtuous manner? If so, who? How?
4. Is anyone behaving in a way that flouts the moral virtues? If so, who? How?
5. Are any non discretionary duties involved? If so, who has them?
6. Are any discretionary duties involved? If so, who has them?
7. Are any special duties involved? In particular, are there professional duties that are applicable? If so, who has them? To whom?
8. Are any duties of justice involved? If so, who has what rights? Against whom?
9. Are any duties of utility involved? If so, who will be affected? By whom? How much?
10. Do any of the duties involved conflict with one another? If so, which ones? How?
11. Has someone acted in supererogatory manner? If so, who? How?
12. Is someone being asked to act in a supererogatory manner? If so, who? By whom?

As was stated above, answering these questions does not answer the moral question, *"What is the right thing to do?"* But answering them can help place

us in a better position to give our answer, and to offer reasons for the answer we give. To our list, then, let us add:

13. Taking all the relevant considerations into account, what do we think should be done? What would be right? What, wrong?

14. What reasons can we give to support our answers to the questions asked in (13)?

If we revisit the Heinz case, without presuming to resolve his dilemma once and for all, we can illustrate how relevant considerations identified earlier bear on the answers we might give to the last two questions.

## Ethical Hypotheses

One way to approach Heinz's dilemma is to view it through the lens of two kinds of duties identified earlier; these are the special duties to his wife, Hilda, on the one hand, and the non discretionary duties he has to everyone, including the druggist, on the other. To make this approach clearer, consider his special duties first.

That Heinz has special duties to Hilda, because she is his wife, should be readily acknowledged. If the woman facing death was a complete stranger, we would be hard pressed to explain why Heinz (that is, why Heinz in particular, and not someone else) had a duty to help her to the extent that he tried to help Hilda. For example, we would be hard pressed to explain why Heinz should try to raise the money the druggist was demanding. In fact, if Heinz had gone to such trouble for a complete stranger, most people would view his behavior as beyond what morality normally requires. Anyone who made such special efforts for a complete stranger would be acting in a supererogatory manner, for which they would deserve special commendation. But because the person in need is Heinz’s wife, the moral landscape changes. By trying to raise the money to pay for the drug, Heinz does what any spouse in his situation should do; and because he does what anyone in his situation should do, he deserves no special commendation for doing it.

Heinz, then, has special duties to Hilda, including the duty to help her when she is ill. However, Heinz also has non discretionary duties to everyone, including the druggist; and one of the duties owed to all is respect for their

rights, the druggist's moral rights (assuming he has such rights) in particular. So one way to describe the dilemma Heinz faced is to see it as a forced choice between his special duties to his wife and his non discretionary duties to the druggist. Which of these duties should he honor? Given the present analysis, this is the question we are asking when we ask, "What do we think Heinz should do?"

Two main options present themselves. First, we might think that Heinz's theft of the drug would be wrong; second, we might think that his theft would not be wrong. Regardless of the option chosen, the same challenge awaits. As was mentioned earlier, responses to ethical dilemmas not only need to be backed by relevant reasons, these reasons in turn need to be critically evaluated. A possible defense of judging Heinz's theft wrong turns on working out the logic of the two kinds of duty that help define it. It will be useful to give the reasoning a name. Because the reasoning explores which duty takes precedence, it will be referred to as the Priority Argument.

The previous discussion of special duties noted that these duties do not subtract from, they add to our other duties. To cite the examples used in that discussion: coaches do not cease to have the duty to speak the truth to others just because they have a special duty to make themselves available to their players, and parents do not cease to have a duty to help the needy just because they have a special duty to feed and clothe their own children. Thus, Heinz does not cease to have a duty to respect the rights of others because he has a special duty to help Hilda.

Moreover, if the druggist has a moral right to his drug, because it is his property, and another moral right to decide what to charge for it, then Heinz cannot defend violating the druggist's rights because Hilda might benefit, given the strong interpretation of moral rights. On that interpretation, moral rights trump other considerations, including advances in the welfare of others. Viewed from this perspective, as a conflict between honoring his special duties to his wife and respecting the rights of the druggist, the Priority Argument supports the conclusion that it would be wrong of Heinz to steal the drug, even if it might save Hilda's life.

Now, a moral judgment supported by an argument like the one just given is not thereby proven correct. Not only might we decide that the Priority Argument is deficient, once it has been subjected to critical review; a number of other arguments, for and against, need to be considered. This is why our initial

answer to the Heinz dilemma--and the same is true of our initial answer to other, similar moral questions--has the status of an ethical hypothesis. We may think it is true or well grounded; we may think we have reason to accept it; but more thought needs to be given before making a final decision. If our initial answer stands up under the heat of sustained critical examination, then we will have further reason to continue to accept it. On the other hand, if it does not withstand closer scrutiny, we will have good reason to revise or withdraw it. In short, our initial answer, even when backed by a well considered argument, needs more testing.

Among the possible tests we might consider, two will be discussed. The first (the Bad Consequences Test) tests for the morality of our actions. The second (the Univeralization Test) tests for the consistency of our moral judgments.

## The Bad Consequences Test

The Bad Consequences Test assesses ethical hypotheses by asking what would happen if everybody behaved in the same way as the person whose behavior is being evaluated. As such, the test implies that consequences are morally relevant to determining what is right and wrong. However, using the test does not commit those who use it to utilitarianism. As was remarked earlier, the consequences of our actions can be *a* relevant consideration without their having to be the *only* relevant consideration.

Before explaining how the test is applied, the meaning of "similar moral conditions" needs to be clarified. These conditions correspond to the variety of morally relevant conditions discussed earlier. They include who the stake holders are, what each has at stake, and what kinds of duties are in play. The specifics in any two cases can vary while their moral relevance remains the same. For example, in a different case it might be Heinz, not Hilda, who is dying; heart failure, not cancer, that is killing him; an inventor, not a druggist, who has a device that might save Heinz's life. Or perhaps it is Heather, Heinz's and Hilda's daughter, who is dying. Or perhaps it is Humboldt, their son, who is mortally ill. And so on. Without trying to exhaust all the possible permutations, which in any event is not possible, the essential point is the one stated above: The specifics in any two cases can vary while their moral relevance remains the same.

Here is how the Bad Consequences Test works. If the consequences of everyone behaving in a given way, assuming relevantly similar conditions,

would make it wrong for them to do so, then (the test alleges) it would be wrong for any single individual to behave in this way. Afterall, particular people are not exempt from the moral guidelines that apply to everyone else. So if it would be wrong for everybody to do something, because of the bad consequences that would result, it would be wrong for me to do it, even if I am the only person to act this way.

An example should make the logic of the test clearer. Suppose that, in order to get a job for which I am applying, I lie during a job interview. I say I did something knowing full well that I never did. Have I done anything wrong? To answer this question, the Bad Consequences Test asks what the consequences would be if everyone who wanted a job lied during their job interview. In the nature of the case, our answer will be speculative. Lacking omniscience, we do not *know* everything that will or might happen. Still, describing the likely outcome is not just guess work.

Job interviews are based on mutual trust between the interviewer and the interviewee. If everyone lied during job interviews, this trust would be undermined. If we agree that having this trust is a good thing, and agree, further, that undermining this trust would be a bad thing, then it is hard to see how we could sanction having everyone lie during job interviews. That much granted, the Bad Consequences Test concludes that it was wrong for me to lie during my interview.

The Bad Consequences Test can be used to complement reasoning like the Priority Argument. Without making any reference to consequences, this latter argument concludes that it would be wrong of Heinz to steal the drug. If the Bad Consequences Test (which does make reference to consequences) supports the same conclusion, the hypothesis that Heinz's theft would be wrong gains additional support of a different kind. If the theft would be wrong apart from its consequences, and also wrong because of the consequences, it would be difficult to see how it could be anything but wrong. So let us apply the Bad Consequences Test to Heinz's theft and ask what judgment we should make.

Application of the test begins by asking what the consequences would be if everyone stole something that rightfully belongs to someone else, given conditions that are relevantly similar to Heinz's. Of course, we are in no position to claim to know what all the consequences might be. But we do know the sorts of things that would concern us. Respect for the law, is one. Respect for individual rights, security in possession of one's property, and the possible ill

effects on creativity are others. (Why go to the trouble of creating new things if anybody and everybody is morally free to steal them, under certain conditions?) If people broke the law and committed theft anytime they needed something that might save the life of a spouse, a domestic partner, or any other person owed relevantly similar special duties, it is not implausible to think that the social costs would be high.

Suppose this is true: the social costs would be high. In fact, suppose the costs would be so high that it would be wrong if everyone committed theft in the circumstances we are imagining. If this is true, then (according to the Bad Consequences Test) it would be wrong for Heinz to steal the drug, even if no one else followed his example.

## The Univeralization Test

The Universalization asks whether we would be willing to have everyone act as we think Heinz should act, assuming similar moral conditions. If we are willing to universalize our judgment, we pass the test. If we are not willing to do this, we fail.

The test's rationale is simple. If we think it would be wrong for Heinz to steal the drug, then we must think it would be wrong for anyone else to do the same thing, if the morally relevant conditions are similar. The converse is true as well. If we think that it would not be wrong for Heinz to steal the drug, then we must also think that it would not be wrong for anyone else to do the same thing, assuming the morally relevant conditions are similar.

Thus, given the logic of the Universalization Test, when we ask whether we think it would be right or wrong for Heinz to steal the drug, we are implicitly asking whether we think it would be wrong for *anyone* in Heinz's circumstances to do the same thing. Accordingly, if we think that Heinz would be doing something wrong, were he to steal the drug, we must also think that *we* would be doing something wrong if we stole the drug, given relevantly similar conditions.

Do we really think this? Do we really think we would be doing something wrong if, in conditions relevantly similar to those we find in Heinz's case, we stole a drug that might save the life of our wife (or husband, domestic partner, son, daughter, etc.?) This is the question the Universalization Test forces us to ask. Its relevance is twofold, depending on whether we are or are not willing to universalize our answer.

1. If we *are* willing to universalize our answer, then we are being consistent; that is, we are not making *one* moral judgment about what Heinz might do and a *different* judgment about our doing the same thing, given relevantly similar conditions. Of course, passing the Universalization Test does not show that our judgment about Heinz's theft is correct. Rather, what it shows is that (a) we are being consistent in what we think so that (b) application of the Universalization Test does not reveal the need to revise or withdraw our judgment about Heinz's behavior.

2. On the other hand, if we are *not* willing to universalize our judgment about Heinz's behavior, then that judgment needs to be revised or withdrawn. Why? Because we are being inconsistent. For it cannot be wrong for Heinz to steal the drug, and not wrong for us to do the same thing, assuming the conditions in both cases are relevantly similar. By itself, again, our unwillingness to universalize our judgment would not show that Heinz does nothing wrong if he steals the drug. It is certainly possible both that Heinz's theft would be wrong and that our judgment of its wrongfulness is faulty. Rather, a failure to pass the Universalization Test would show that there is something unacceptable in how *we* have judged. Because we would be inconsistent in the judgments we make, we would need to revise or withdraw our judgment about Heinz.

Critical exploration of Heinz's dilemma is not complete by any means. Some of the additional questions the case engenders will be cited momentarily. Notwithstanding the incompleteness, the preceding may at least serve as an illustration of how reason can be brought to bear on our ethical decision making. The Priority Argument offers a line of reasoning that finds Heinz's theft wrong. The Bad Consequences Argument offers additional support for that finding. Moreover, if those who conclude that Heinz's theft of the drug would be wrong are willing to universalize their judgment, they cannot be faulted for being inconsistent.

Some people think this must be mistaken. Heinz, they think, would not be doing anything wrong if he stole the drug. In fact, some people think he *should* steal it. Perhaps they are right. Certainly their conviction deserves respectful consideration. No less certainly, we are not in a position to agree or disagree unless or until supporting arguments have been presented and subjected to critical review. In particular, both the Bad Consequences and the Universalization Tests are plausibly viewed as representing morally relevant means of testing the judgments we make in difficult cases. As such, it is appropriate to add both to the list of questions assembled along the way. Thus should we have:

15. What are the implications of applying the Bad Consequences Test to the answer we favor? Can we continue to favor this answer, given these implications?

16. What are the implications of applying the Universalization Test to the answer we favor? Can we continue to favor this answer, given these implications?

The ethical hypothesis that Heinz's theft would not be wrong stands in as much need of supporting argument as the hypothesis that it would be. In this sense, the critical assessment of our moral judgments and decisions plays no favorites. The same rules apply to everyone.

## Moral Theory and Research Ethics

Much remains to be considered that cannot be considered here. A case as superficially simple as Heinz's dilemma will, if we let it, naturally lead us to ask questions that are far from simple. For example:

- Does the druggist (or, for that matter, do we) have any moral rights?
- What arguments can be given to support an affirmative answer? How strong are these arguments?
- If it is reasonable to believe that we have moral rights, what rights do we have?

- If we have moral rights and know what they are, should we accept the strong interpretation of moral rights (a) in all cases, (b) in some cases, or (c) in no cases?

- If we have moral rights and know what they are, can any of them ever be outweighed by our special duties?

- If we have moral rights and know what they are, can any of them ever be outweighed by our duties of utility?

- Indeed, questions about moral rights to one side, what reasons can be offered for saying why we have those duties we do (assuming that we have them)?

- Even more basically, is the rights / duties paradigm, as some feminist ethical philosophers maintain, the wrong paradigm to bring to our moral decision making? (fn 4)

In addition to theoretical questions about rights and duties, methodological questions also need to be considered. For example, the Universalization Test is described as a test for the consistency of our moral judgments, not as a test for the morality of how people behave. One question we might ask is why it fails as a test in this latter regard. Or consider the Bad Consequences Test. Roughly speaking, it assumes that I must be doing something wrong if bad consequences would flow from having everyone do the same thing (for example, if everyone lied during job interviews). However, the consequences of my lying, during my interview, might not be bad at all. In fact, they might be very good. For example, not only do I get the job; I end up owning the company. How is it, then, that I have done something wrong, because of the consequences? When all the dust settles, is the Bad Consequences Test an incoherent test when it comes to determining right and wrong?

Theoretical and methodological questions like these are representative of the quandaries philosophers explore in the field of moral theory. How they should be answered is not something to be taken lightly. In fact, whether Heinz's theft would be right or wrong, and whether we would be justified in the judgment we make about it, arguably depend on which answers to such questions have the best reasons on their side. For obvious reasons, this is a level of inquiry that cannot be broached on this occasion. Suffice it to say here that questions in moral theory can be postponed only for so long, and that they grow

out of our effort to think carefully and clearly about the ethics of everyday life, including our everyday life as researchers.

In closing, it will be useful to end as we began. Recall what was said about research ethics at the outset. When some people hear these words (”research ethics”) what they hear is the suggestion that somebody thinks someone is doing something wrong. As was pointed out, this is not what these words mean. The words themselves make no accusation, and neither do they raise any suspicion of wrongdoing. Rather, these words (“research ethics”) refer to the process of critically reflecting on ethical questions that researchers face, in their capacity as researchers. What this process of critical reflection involves, at least to some degree, hopefully is clearer now than it was at the beginning. This by itself will not answer the hard questions about right and wrong that inevitably arise, for researchers, whatever the area of research; but (as has been remarked on more than one occasion before) actively engaging in the process of critical reflection might help us better understand the questions we are asking.

## A Check List

1. What are the morally relevant facts of the case? In particular, who are the stakeholders? And what does each stakeholder have at stake?
2. Which (if any) concepts need to be clarified before we can make our best ethical judgment or decision? In particular, are there any evaluative or normative ideas that require thoughtful analysis?
3. Is anyone behaving in a virtuous manner? If so, who? How?
4. Is anyone behaving in a way that flouts the moral virtues? If so, who? How?
5. Are any non discretionary duties involved? If so, who has them?
6. Are any discretionary duties involved? If so, who has them?
7. Are any special duties involved? In particular, are there professional duties that are applicable? If so, who has them? To whom?
8. Are any duties of justice involved? If so, who has what rights? Against whom?
9. Are any duties of utility involved? If so, who will be affected? By whom? How much?
10. Do any of the duties involved conflict with one another? If so, which ones? How?
11. Has someone acted in supererogatory manner? If so, who? How?
12. Is someone being asked to act in a supererogatory manner? If so, who? By whom?
13. Taking all the relevant considerations into account, what do we think should be done? What would be right? What, wrong?
14. What reasons can we give to support our answers to the questions asked in (13)?
15. What are the implications of applying the Bad Consequences Test to the answer we favor? Can we continue to favor this answer, given these implications?
16. What are the implications of applying the Universalization Test to the answer we favor? Can we continue to favor this answer, given these implications?

NOTES

1. In keeping with the university's Research Ethics Initiative, research is understood broadly; it encompasses the disciplined-directed activities of humanists and social scientists as well as those of life scientists and engineers, for example.

2. The Heinz Dilemma (slightly amended here) we owe to Lawrence Kohlburg, "Stage and Sequence: the Cognitive-Development Approach to Socialization," in D. A. Goslin, ed., *Handbook of Socialization Theory and Research* (Chicago: Rand McNally, 1969), p. 379. For further discussion, see Carol Gilligan, *In a Different Voice* (Cambridge, MA: Harvard University Press, 1983) pp. 27-38.

3. It is worth asking what other choices Heinz may have had, in addition to the two obvious ones discussed here. Anthony Weston explores other possibilities in *A Practical Companion to Ethics* (Oxford: Oxford University Press, 1997) pp. 34-36.

4. For discussions of a feminist critique of the rights / duties paradigm, including some that address the Heinz dilemma, see Eva Feder Kittay and Diana Meyers, eds., *Women and Moral Theory* (Towota, NJ: Rowman & Littlefield) 1987.

**Commentary on:**

**"Research Ethics: An Introduction"**
**Central Essay by Dr. Tom Regan**

**Dr. Regan says that moral dilemmas arise out of multiple demands on our loyalties.**

**Here is a very simplified version of his "Moral Checklist" (see page 14 of the essay) put into the form of a flow chart. Like any new procedure, the checklist or flow chart may seem unwieldy at first, but after a short time it becomes second nature.**

**First**

**The facts of the case.**
**Who, what, where, when, and why.**

**If clear, go on to**

**The qualitative values**
**such as fairness, honesty, collegiality.**

**If clear, now the tough part, where the rubber meets the road. This is what Dr. Regan thinks is the heart of the matter; the conflict between the "good and the good." How will we be fair to everyone? He suggests we divide our obligations, our moral duties we feel bound by, into these categories:**

**Non-discretionary:**

**What we owe to everyone; for example, the person sitting next to us at lunch in a restaurant.**

**Discretionary:**

**Extra commitments we owe to no one in particular; the duty to help the needy.**

**Special:**

**What we owe to our family, friends, students, colleagues and teachers; the people to whom we are especially committed.**

**APPLIED PHILOSOPHY: Four Different Approaches to Making Moral Decisions**

**Different schools of philosophy have different approaches to making moral decisions. There will be times when philosophers who disagree as to method, and still end with the same decision. At other times, they will disagree about both method and outcome. We will summarize four philosophic approaches: Consequentalist, Non-Consequentalist, Virtue Ethics and Care Ethics.**

## Consequentalism

**For the Consequentalist, it is the results of a decision that matter. Utilitarians use this approach: given the classical statement, the right ethical decision is one that provides the greatest benefit for the greatest number of people. Most Utilitarians would argue that long-term benefits are more important than short term. For example, honesty, in the long run, will benefit more people than telling lies will.**

## Non-Consequentalism

**A Non-Consequentalist would follow a general principle in making a decision: the outcome would be secondary. Deontologists are those who think that fulfilling obligations or moral duties is the basic principle to follow when making decisions. For a Deontologist, the right decision is one where our duties to others are respected as the guiding principle. The obligation of researchers to give complete information to research subjects would be an example of this approach.**

## Virtue Ethics

**Virtue ethics does not posit either principles or results as most important. Rather, the point here is what sort of character one has and how a decision fits into our concept of what a person of good or virtuous character would decide. For example, we believe that a moral person should be honest and thus being honest would be the right choice of action.**

## Care Ethics

**Care ethics takes a very different view than the three general approaches just summarized. An individual is viewed as part of a complex web of relationships. In "Research Ethics: an Introduction," Tom Regan presents the well-known case, The Heinz Dilemma. For a Care Ethicist, the right course of action for Heinz would be one that respected the thoughts and**

**feelings of all concerned; the emphasis is on nurturing. For the Care Ethicist, inter-relatedness is the highest good.**

**This may seem similar to the idea of having an obligation or duty to others but it really isn't. A Non-Consequentalist would act so as to further an abstract principle such as fairness to all. One who follows a Care Ethic approach believes that a good moral decision will be subjective, honoring personal attachments. Interpersonal negotiation would be the style of choice; decisions would be good insofar as they were personal as opposed to abstract.**

**All four of these approaches are reasonable. Some people follow only one approach at all times, while others will create a combination. What does seem a point of agreement is that ethics is interactive and from this it follows that group discussion is the most useful way to learn ethics. Many have found movies or videos valuable as starting points to conversation. The American Association for the Advancement of Science has produced a set of short video vignettes (http: www.aaas.org/spp/video/project.htm) These are available for circulation at the Reserve Room of the library and are good catalysts to conversation.**

**Several videos of popular movies with ethical themes are available for circulation. These are useful for longer presentations in class or as special events outside of class. A movie that explores the theme of conflict of duties is "The Insider."**

**In the movie, Bergman cites the principles of honesty and the public's "right to know" in trying to convince Wigand to testify in the face of threats to his family. What does Wigand owe to the public and what to his family? He signed a confidentiality agreement when he was fired; how binding is that piece of paper? Dr. Regan describes obligations that go above and beyond the normal call of duty; these are called supererogatory. In testifying, is Wigand fulfilling his job as a scientist working in the public interest, or is his decision to testify a supererogatory action?**

**The Insider**

**Dr.Jeffrey Wigand, fired from his job as a research chemist with a large tobacco company, has agreed to testify for Lowell Bergman, a journalist with 20/20, about the grim realities of cigarette smoking. This brings him into direct conflict with his ex bosses. When Wigand persists, his family is physically threatened.**

**In one particular scene, a demoralized Wigan tells Bergman that the conflict of duties he is facing has turned out to be more than he bargained for. Although he had agreed to testify, his responsibility for his family's safety may be a greater obligation than his duty to the public good.**

**How to decide on "right action".....**

## MAJOR THEME: CHOOSING BETWEEN THE GOOD AND THE GOOD

**Dr. Regan thinks that we are all individual moral agents, responsible for making ethical choices. Although there are basic ethical values to uphold, we cannot dispense with the need to look at each case on an individual basis before we decide on the right course of moral action.**

**Another approach is to look to Codes of Behavior to tell us what to do. Module V: Professional Responsibility and Codes of Conduct will discuss the guideline approach in more detail.**

**The Office of Research Integrity's website has information on their Guidelines for Research Integrity: (http://ori.dhhs.gov/html/programs/rcr_requirements.asp)**

**In the box to the right we have printed out a partial, brief version of a draft of a Universal Code of Moral Conduct for research scientists, developed by Dr. Gregory Brock at the University of Kentucky. (http: www.uky.edu/HES.gwbrock/RCRCODE/).**

**When faced with conflicts between duties or conflicts of interest, which seems to you to be more helpful, a Code or a framework for logical analysis? Some argue that Codes are too general, and can't substitute for personal morality. What—if anything--do codes leave out of the equation? Would having a Code, such as Dr. Brock proposes, help Dr. Wigand, or you, when faced with deciding between "the good and the good?"**

**Guidelines for the Responsible Conduct of Researchers: General Principles**

**1.Commitment to Society and Global Well-Being: Researchers protect the interests of society within a broader commitment to global well-being. They recognize that the public has entrusted them to uphold the integrity of the scientific record.**

**2.Commitment to Competency: Researchers are aware that they are responsible for maintaining professional competency and remaining knowledgeable within their areas of expertise.**

**3.Understanding Laws, Regulations, Policies: Researchers are aware of and stay informed of professional, institutional, and governmental regulations and policies in proposing, conducting, and reporting research.**

**4.Conflicts of Interest: Researchers are cognizant that conflicts of interest occur in the context of professional activities and they recognize and avoid them.**

**Dr. Gregory Brock, University of Kentucky, 2000.**

## Case Studies

**The material of ethics, the "stuff" we are going to work with are qualitative values such as honesty and responsibility and justice. The method of analysis we will use is the case study.**

**A case study is a little story, a little drama similar to the hundreds of situations we all go through in our lives whether we are scientists or not. Storytelling is a currency in our social community. Running experiments and reporting on them is another kind of currency-one special to the scientific community. The case study is a kind of thought experiment that gives us a "work-out" in doing science with integrity.**

**Many classes in ethics spend the majority of class time working with case studies, using them as exercises in moral reasoning, helping students gain familiarity with qualitative problem solving. We have included two case studies in each module: most of them are from the series of case studies prepared by the Association for Practical and Professional Ethics, Brian Schrag, Editor. (http://www.appe@indiana.edu)**

**We have also a simplified version of Dr. Regan's "Moral Checklist" from his essay in Module 1 Research Ethics: an Introduction. What we advise is to use this as a template when analyzing case studies.**

**First, the facts of the case.**
**Who, what, where, when, and why.**

**Next, the values of the case. For example, fairness, honesty, and collegiality-these are the qualitative values.**

**If clear, go on to the heart of the matter, the conflict in duties, the what we owe to whom, or as Dr. Regan notes, the conflict between "the good and the good." How will we be fair to everyone? He suggests we divide our obligations (our moral duties) into these categories:**

**Non-discretionary:**

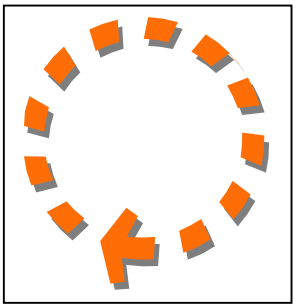
**What we owe to everyone; for example, the person sitting next to us at lunch in a restaurant.**

**Discretionary:**

**Extra commitments we owe to no one in particular; the duty to help the needy.**

**Special:**

**What we owe to our family, friends, students, colleagues and teachers; the people to whom we are especially committed.**



## CASE STUDIES OFTEN FOCUS ON CONFLICTS IN DUTIES

**When working with case studies, it is helpful to organize our materials, the quantitative and qualitative values in a sequential way, organizing what we owe to whom, in a methodical manner.**

**For instance, take the Jessica Banks case, printed on the next page, and analyze it as Dr. Regan has outlined, in sequence. Once you have listed all your ethical variables, arrange them in a hierarchy, from most important to least important. If a tie, arrange in a group. If unsure or in a conflict, what additional information might be useful? Is it always "either-or?" (We've put down a few items just to get started....)**

**I.** **Facts of the Case** ***(Banks did the work, Hayward owns notebooks, Hayward is head of lab and has other students*)**

**2.** **Values in the Case** (***Collegiality, honesty, fairness***)

**3.** **Conflicts in Duties** (***Loyalty to Hayward; to new lab; to "science", Haywood's responsibilities to other students who need work***)

**4.** **Universalization of Actions** (***What if everyone were to steal?***))

**5.** **Bad Consequences of Actions** (***Could stealing the notebooks be kept secret? What would be the consequences for collegiality?)***

***What should Banks do?*** ***What would you do?***

**THE JESSICA BANKS CASE**

**(Case courtesy of the Association for Practical and Professional Ethics (http://ezinfo.ucs.indiana.edu/~appe/home.html)**

**Jessica Banks, a Ph.D. student in Professor Brian Hayward's lab, has recently defended her dissertation and is now ready to file it and leave for her new job. During her second year, when starting research in Hayward's lab, Banks divided her time among three projects. Then in her third year, after consultation with Hayward, she decided to continue and expand upon one of three lines of investigation for her dissertation research. This was also the project most closely related to Hayward's grant at the time. Later, Banks experimental plan and early results were included in Hayward's grant renewal. The other two promising lines of research were left incomplete.**

**Banks new job is a tenure-track position in a mid-sized western liberal arts college. Shortly before leaving for her new job, she comes into the lab to pick up her notebooks. Although her new faculty position will place a heavy emphasis on teaching, she is looking forward to continuing to do some research as well. In particular, she is eager to pick up where she left off with the two uncompleted projects she worked on before.**

**Professor Hayward meets Banks on her way into the lab, and their genial conversation abruptly changes when she mentions she has come to take her notebooks. Hayward explains, "You can't take those notebooks away—they belong to the lab!" Banks is confused. "But I did the work and I wanted to follow up on it. I can't do that without the notebooks." Professor Hayward is adamant. "I'm sorry, but you should understand this. This lab is a joint enterprise, and all the work you did was funded by money I brought in via grants. The notebooks don't belong to you, or to me; they belong to the lab, and the work will be continued in this lab. I've already talked to one of the new students about working on those projects this fall."**

**Banks, seeing her plans fall apart around her, protests, but Hayward is implacable. After a few minutes, she stalks away without the notebooks. Later that afternoon, Banks gets together with her classmate Paul Larson, and during their conversation she tells him about her run in with Hayward. "Look" says Larson, "Hayward has no right to deny you access to the information in the notebooks. Even if the books remain in the lab, you did the work that generated the data." "I know!" says Banks. "But Hayward wouldn't listen to that argument when I made it." "Here's my suggestion," says Larson after some reflection. "Just stop by the lab and photocopy the books some time during the weekend. I happen to know Hayward will be out of town, so he'll never know. That's the fair thing to do: he gets to keep the notebooks in his lab, and you get a copy of the data you collected." Banks seems uncertain, but says she'll think about Larson's suggestion and decide before the weekend. Should Banks photocopy the notebooks? Why or why not?**

## THE DR. CAMPBELL CASE

**(Case Study courtesy of Frank L. Macrina, Scientific Integrity: An Introductory Text with Cases, ASM Press, Washington D.C. 2000.) Chapter 7 "Managing Conflicting Interests" by S. Gaylen Bradley at reading located here**

**Dr. Campbell is in the final stages of negotiations for an assistant professor's position in chemistry at a small, prestigious college. Dr. Campbell wants very much to land the job, but he is one of three highly qualified finalists for the position. He is troubled about a potential conflict –of-interest issue. Dr. Campbell's sister and brother-in-law are both students at the college. As biology majors they will have to take at least one of the chemistry courses that Dr. Campbell will be teaching should he get the position. Dr. Campbell knows that the chemistry department is small (only four faculty), and he reasons that working around the problem of having relatives in one's course might not be conveniently done. Dr. Capis, the department chair, is heading the search committee. Dr. Campbell is afraid that if he discloses this potential conflict of interest to Dr. Capis, he will lessen his chances of getting the job. Is this a conflict of interest, and when should he disclose this information to Dr. Capis?**

**Study question, "Do researchers have a duty to do research?" ®**

## THINKING OUTSIDE THE BOX: THE DUTY TO DO RESEARCH

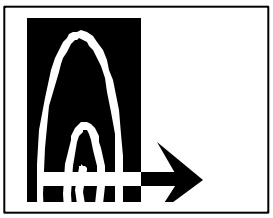
**Both Jeffrey Wigand and Jessica Banks found themselves in conflict over another "Duty," that of a researcher to do research. For Banks, depriving her of her notebooks was a deep insult, professionally and personally. When Wigand questioned the ethical basis of research results that jeopardized the public, it was akin to his finding a skeleton in the family closet.**

**We who do research cannot imagine our lives differently and the conflict between family time and research time is an emotional area. There are scientists well known to be devoted to their work, spending long hours away from family and friends, devoted to their discipline, feeling they owe a great deal to the goal of advancing knowledge. When Elizabeth McClintock spent years with her plants, her "feeling for the organism" was an emotional connection she felt with her subject.**

**But, is there such a thing as the "Duty to do Research," or, to put it another way, can we have a "Duty to Science?" If so, would this be a Non-Discretionary Duty or a Special Duty? Is the "Duty to Advance Knowledge" a higher calling than that of taking care of your family? Who is the final arbitrator, the individual moral agent, as Dr. Regan urges, or are there Guidelines to follow? Should there be?**

**In Ethics of Scientific Research, Kristin Shrader-Frechette argues that scientific research itself carries obligations to society at large. We have quoted from page 9 of her book in the box at the right; do you agree or disagree with her? Chapter 2, "The Duty to Do Research" is available electronically.**
**reading located here**

> **"Research ethics is important not only because it helps students, the public and experimental subjects avoid research related harm, but also because it provides a framework for examining the ends and goals that research serves. Because taxpayers ultimately fund much university based scientific work (especially at public institutions), academic researchers have a special duty to ensure that their work serves socially desirable ends and goals, such as democratic freedom, societal welfare, equity and growth in knowledge. Indeed, we shall argue in chapter two, under the "trusteeship model" for research professionals, *all scientists* have a duty--to varying degrees—to ensure that their work serves socially desirable ends."**
>
> **Kristin Shrader-Frechette, Ethics of Scientific Research, Rowan & Littlefield Publishers, 1994, p. 9.**



## A CAVEAT ABOUT ETHICAL DECISIONS

**Many of the moral decisions we need to ponder will not be life or death, career break-or-make situations; our daily life is full of "little" questions. There is one aspect to problem solving in the ethical dimension that we don't much talk about; this is the toll that selecting the right choice can take. For instance, you may find that a close colleague is "nudging" the data and you also know that he comes up for tenure in a year. You may go through the steps, correctly analyze the situation according to a Consequentalist, Non-Consequentalist, Utilitarian and Care Ethics, and reach the conclusion that reporting your friend is the proper thing to do. Still, you feel lousy.**

**This doesn't mean that your decision is wrong—the reality is that we are emotional beings and being right does not necessarily feel good. This is the dilemma with intuition: it doesn't always separate out right from wrong. The example I use when talking about this quandary is an experience many of us have gone through--deciding to euthanize an incurably ill and suffering cherished pet. Intellectually, this may seem the correct course of action, but we feel no better for it. We might even feel worse but that doesn't mean our decision was wrong. (Of course, to be against euthanasia on any level is morally acceptable—I am making a heuristic point here.)**

**When thinking about how to follow through on our ethical decisions, it is important to factor in the toll the decision will take. There may indeed be situations where the fallout is unacceptable and a different solution needs to be found. Are further negotiations possible? In the final analysis though, we need to have the strength to tolerate feeling bad about a good decision. And maybe we should add the question, "How will I follow through and live with my decision?" to our list.**

**"Is There a Correct Method for Answering Moral Questions?"**

**Such a method would function in the case of moral questions in ways that are analogous to how the scientific method functions in the case of scientific questions. This latter method does not itself contain answers to particular questions (for example, what happens to the pressure of gas when the temperature is raised). Rather, the scientific method can be understood as specifying how we must approach particular questions *if we are to give scientific answers to them*; ...Well, if there is a correct method for answering moral questions, similar things would be true of it: it would not contain answers to particular moral questions (for example, whether wilderness should be preserved only if it is economically profitable to do so); rather, it would specify how we must approach *questions if we are to give moral answers to them*."**

**Tom Regan, ed., Matters of Life and Death. New York: McGraw-Hill, 3rd edition, 1993. Introduction, p. 4-5. reading located here The introduction summarizes the approaches of various schools of thought and presents central ethical dilemmas that go across discipline and across all the modules in the series.**

## ADDITIONAL RESOURCES

### Articles

**Donovan, Aine "Celestial Navigation with a Moral Compass", Journal for a Just and Caring Education, Vol.5, No. 3, July 1999, pp 285-297. Available as a PDF file at:**
**http://www.fis.ncsu.edu/Grad/ethics/modules/adonovan.pdf**

**French, Warren, Weis, Alexander, "An Ethics of Care or an Ethics of Justice", article in Journal of Business Ethics, Kluwer Academic Publishers, *Volume 27, September 2000, nos.1-2. Pp. 125-131.* This is an interesting paper presenting a study of cross-cultural negotiating styles. A series of interactions are analyzed in terms of whether the inherent values arise from a duty-based ethic or a care based ethic. This is an example of current research about ethics. reading located here**

**Friedman, Paul J. "An Introduction to Research Ethics," Science and Engineering Ethics, Volume 2, number 4, October 1996, pp. 443-456. A good overview article, with a discussion of research integrity, the problem of distinguishing error, publishing and misconduct issues. A bibliography and a table entitled "Research Activities in Which Practical Ethical Problems Arise" are useful references.**
**reading located here**

**Garte, Seymour, "Guidelines for Training in the Ethical Conduct of Scientific Research," Science and Engineering Ethics, Volume 1, number 1, January 1995, pp. 59-70. This paper organizes ethical problems into categories such as data collection and storage, confidentiality, communication, and collaboration. There are two case studies with commentary as well. (http://www.lib.ncsu.edu/rbr) Reading # .**

**Pimple, Kenneth D. "Assessing Student Learning in the Responsible Conduct of Research." Dr. Pimple has valuable advice in this area and discusses reasonable goals for teachers and summarizes several approaches to assessment.**
**(http://php.ucs.indiana.edu/~pimple/assessing.pdf)**

### Books

**(These titles are available for three-day circulation at the Reserve Book Room)**

**Davis, Michael, Ethics and the University. Chapter 7 entitled "Teaching Ethics Across the Curriculum is on electronic reserve. Dr. Davis presents his experience in organizing an Ethics Across the Curriculum Project—one**

**funded by the National Science Foundation in 1990. His area of particular interest is Professional Ethics and his discussion of this topic is illuminating. The detailed descriptions of classroom and workshop activities are a good reference for those working in Ethics Across the Curriculum programs. reading located here**

**Elliot, Deni and Judy E. Stern, (Editors), Research Ethics: A Reader, University Press of New England, 1997. Chapter 1, "Teaching and Learning Research Ethics," pp 1-20. (Judith P. Swazey and Stephanie J. Bird) is a concise discussion of basic issues. It is available on electronic reserve. reading located here**

**Macrina, Francis L. Editor, Scientific Integrity: An Introductory Text With Cases, Washington D.C. ASM Press, 2000.**

**A very thorough, clearly written book on the many basic issues in research ethics, such as mentoring, conflict of interest, record keeping and authorship with numerous case studies. This text is widely used in courses across the country. Chapter 2, "Ethics and the Scientist" by Bruce A. Fuchs and Francis L. Macrina is an informative summary that works well for introductory class and background reading. reading located here Chapter 7 "Managing Conflicting Interests" by S. Gaylen Bradley works well with the material in this module; it is available on electronic reserve (reading located here). Dr. Macrina's website at Virginia Commonwealth University describes his course. (http://www.vcu.edu/courses/rcr/)**

**Rachels, James, The Elements of Moral Philosophy, 3rd edition, New York: McGraw-Hill Companies, Inc. 1999. This small handbook style paperback presents the major schools of thought and some of the tough questions in a concise, easy to read manner. Chapters include, "What is Morality, "Are There Absolute Moral Rules?" and "What Would a Satisfactory Moral Theory Be Like?" This book was distributed to the participants at North Carolina State University's Summer Institute for Faculty Development, 2001.**

**Resnik, David B. The Ethics of Science: an Introduction. New York: Routledge, 1998. This is a book in the Philosophic Issues in Science Series. Well-written and informative, chapters include "Science as a Profession,"( reading located here ) "Objectivity in Research, "The Scientist in Society," and "Ethical Issues in the Laboratory."**

**Seebauer, Edmund G. and Robert L. Barry, Fundamentals of Ethics for Scientists and Engineers, Oxford University Press, 2001, Chapter 1 "Approaching the Subject of Ethics," pp3-18 and Chapter 2 "The Person and the Virtues", pp 19-34, are both available as electronic reserves at (http://www.lib.ncsu.edu/rbr/.) Reading #114. Oxford University Press has published an Instructor's Manual for the Seebauer and Barry text and we have the first two chapters, "Approaching the Subject of Ethics" and**

**"The Person and the Virtues" available on electronic reserve. reading located here This is useful for those new to teaching ethics.**

**Shrader-Frechette, Kristin, Ethics of Scientific Research, Roman & Littlefield Publishers, Inc. 1994. Chapter 1, "The Importance of Research Ethics: History and Introduction," pp. 1-21, is available electronically. reading located here A good background reading, suitable for beginners and for people wanting to refresh their memory.**

**Stern, Judy E. and Deni Elliot, The Ethics of Scientific Research: A Guidebook for Course Development, University Press of New England, 1997.Chapter 2, "Who Needs Research Ethics," pp9-16 is on electronic reserve. reading located here This concise and pithy handbook is now out of print; their Research Ethics: a Reader has replaced it. In this earlier book, though, you will find useful bibliographies for organizing a class and simple frameworks for your course plans. This book was distributed at the North Carolina State University's Summer Institute for Faculty Development in 2000.**

**Weston, Anthony, A Practical Companion to Ethics, Oxford University Press, New York, 1997 This is a short, concise introduction to practical and applied ethics. It is very readable and presents some of the basic issues in moral reasoning such as "appeals to authority" and "thinking for yourself" clearly. There are two appendices; one for students entitled "How to Write an Ethics Paper" and another for teachers called "Some Suggestions for Classroom Practice." Chapter 4, "When Values Conflict" works well with this module. It is available as print/electronic reserve. reading located here**

## Websites

**On-Line Science Ethics Resources (http://www.chem.vt.edu/ethics/vinny/ethxonline.html) A resource website with many hyperlinks, not just hard science.**

**The Online Ethics Center for Engineering & Science Aside from a GLOSSARY (http://www.ONLINEETHICS.ORG/glossary/htm.) there are many case studies, a good essay by Caroline Whitbeck and an on-line interactive help desk.**

**The University of Pittsburgh "Survival Skills and Ethics Program" (http://www.edc.gsph.pitt.edu/survival/resources2.html) A website including a bibliography addressing the multifaceted (wearing many hats) nature of living a life while doing science, and includes resources on poster presentation, job hunting, time management—just four areas out of many.**

**Indiana University's The Poynter Center (http://www.indiana.edu/~poynter/links.html) is a primary resource for teaching research ethics. They run an annual training workshop. Two publications of particular interest to those new to this field are: Research Ethics Newsletters (http://poynter.Indiana.edu/tre-nls.pdf) and "A Beginner's Bookshelf, by Kenneth D. Pimple, Ph.D. (http://www.indiana.edu/~poynter/shortlist.pdf) The latter is an annotated bibliography of the best of the basic resources around for beginning to work with students on research ethics. http://www.indiana.edu/~poynter/tre-onln.html is a bibliography of website based resource material.**