

A Framework for Making Ethical Decisions

MAKING CHOICES: A FRAMEWORK FOR MAKING ETHICAL DECISIONS

Decisions about right and wrong permeate everyday life. Ethics should concern all levels of life: acting properly as individuals, creating responsible organizations and governments, and making our society as a whole more ethical. This document is designed as an introduction to making ethical decisions. It recognizes that decisions about “right” and “wrong” can be difficult, and may be related to individual context. It first provides a summary of the major sources for ethical thinking, and then presents a framework for decision-making.

1. WHAT IS ETHICS?:

Ethics provides a set of standards for behavior that helps us decide how we ought to act in a range of situations. In a sense, we can say that ethics is all about making choices, and about providing reasons why we should make these choices.

Ethics is sometimes conflated or confused with other ways of making choices, including religion, law or morality. Many religions promote ethical decision-making but do not always address the full range of ethical choices that we face. Religions may also advocate or prohibit certain behaviors which may not be considered the proper domain of ethics, such as dietary restrictions or sexual behaviors. A good system of law should be ethical, but the law establishes precedent in trying to dictate universal guidelines, and is thus not able to respond to individual contexts. Law may have a difficult time designing or enforcing standards in some important areas, and may be slow to address new problems. Both law and ethics deal with questions of how we should live together with others, but ethics is sometimes also thought to apply to how individuals act even when others are not involved. Finally, many people use the terms morality and ethics interchangeably. Others reserve morality for the state of virtue while seeing ethics as a code that enables morality. Another way to think about the relationship between ethics and morality is to see ethics as providing a rational basis for morality, that is, ethics provides good reasons for why something is moral.

2. TRADITIONAL ARRANGEMENT OF THE FIELD OF ETHICS:

There are many systems of ethics, and numerous ways to think about right and wrong actions or good and bad character. The field of ethics is traditionally divided into three areas: 1.) meta-ethics, which deals with the nature of the right or the good, as well as the nature and justification of ethical claims; 2.) normative ethics, which deals with the standards and principles used to determine whether something is right or good; 3.) applied ethics, which deals with the actual application of ethical principles to a particular situation. While it is helpful to approach the field of ethics in this order, we might keep in mind that this somewhat “top down” approach does not exhaust the study of ethics. Our experience with applying particular ethical standards or principles can inform our understanding of how good these standard or principles are.

Three Broad Types of Ethical Theory:

Ethical theories are often broadly divided into three types: i) Consequentialist theories, which are primarily concerned with the ethical consequences of particular actions; ii) Non-consequentialist theories, which tend to be broadly concerned with the intentions of the person making ethical decisions about particular actions; and iii) Agent-centered theories, which, unlike consequentialist and non-consequentialist theories, are more concerned with the overall ethical status of individuals, or agents, and are less concerned to identify the morality of particular actions. Each of these three broad categories contains varieties of approaches to ethics, some of which share characteristics across the categories. Below is a sample of some of the most important and useful of these ethical approaches.

i.) Consequentialist Theories:

The Utilitarian Approach

Utilitarianism can be traced back to the school of the Ancient Greek philosopher Epicurus of Samos (341-270 BCE), who argued that the best life is one that produces the least pain and distress. The 18th Century British philosopher Jeremy Bentham (1748-1832) applied a similar standard to individual actions, and created a system in which actions could be described as good or bad depending upon the amount and degree of pleasure and/or pain they would produce. Bentham's student, John Stuart Mill (1806-1873) modified this system by making its standard for the good the more subjective concept of "happiness," as opposed to the more materialist idea of "pleasure."

Utilitarianism is one of the most common approaches to making ethical decisions, especially decisions with consequences that concern large groups of people, in part because it instructs us to weigh the different amounts of good and bad that will be produced by our action. This conforms to our feeling that some good and some bad will necessarily be the result of our action and that the best action will be that which provides the most good or does the least harm, or, to put it another way, produces the greatest balance of good over harm. Ethical environmental action, then, is the one that produces the greatest good and does the least harm for all who are affected—government, corporations, the community, and the environment.

The Egoistic Approach

One variation of the utilitarian approach is known as ethical egoism, or the ethics of self-interest. In this approach, an individual often uses utilitarian calculation to produce the greatest amount of good for him or herself. Ancient Greek Sophists like Thrasymachus (c. 459-400 BCE), who famously claimed that might makes right, and early modern thinkers like Thomas Hobbes (1588-1679) may be considered forerunners of this approach. One of the most influential recent proponents of ethical egoism was the Russian-American philosopher Ayn Rand (1905-1982), who, in the book *The Virtue of Selfishness* (1964), argues that self-interest is a prerequisite to self-respect and to respect for others. There are numerous parallels between ethical egoism and laissez-faire economic theories, in which the pursuit of self-interest is seen as leading to the benefit of society, although the benefit of society is seen only as the fortunate byproduct of following individual self-interest, not its goal.

The Common Good Approach

The ancient Greek philosophers Plato (427-347 BCE) and Aristotle (384-322 BCE) promoted the perspective that our actions should contribute to ethical communal life. The most influential modern proponent of this approach was the French philosopher Jean-Jacques Rousseau (1712-1778), who argued that the best society should be guided by the "general will" of the people which would then produce what is best for the people as a whole. This approach to ethics underscores the networked aspects of society and emphasizes respect and compassion for others, especially those who are more vulnerable.

ii.) Non-consequentialist Theories:

The Duty-Based Approach

The duty-based approach, sometimes called deontological ethics, is most commonly associated with the philosopher Immanuel Kant (1724-1804), although it had important precursors in earlier non-consequentialist, often explicitly religious, thinking of people like Saint Augustine of Hippo (354-430), who emphasized the importance of the personal will and intention (and of the omnipotent God who sees this interior mental state) to ethical decision making. Kant argued that doing what is right is not about the consequences of our actions (something over which we ultimately have no control) but about having the proper intention in performing the action. The ethical action is one taken from duty, that is, it is done precisely because it is our obligation to perform the action. Ethical obligations are the same for all rational creatures (they are universal), and knowledge of what these obligations entail is arrived at by discovering rules of behavior that are not contradicted by reason.

Kant's famous formula for discovering our ethical duty is known as the "categorical imperative." It has a number of different versions, but Kant believed they all amounted to the same imperative. The most basic form of the imperative is: "Act only according to that maxim by which you can at the same time will that it should become a universal law." So, for example, lying is unethical because we could not

universalize a maxim that said “One should always lie.” Such a maxim would render all speech meaningless. We can, however, universalize the maxim, “Always speak truthfully,” without running into a logical contradiction. (Notice the duty-based approach says nothing about how easy or difficult it would be to carry out these maxims, only that it is our duty as rational creatures to do so.) In acting according to a law that we have discovered to be rational according to our own universal reason, we are acting autonomously (in a self-regulating fashion), and thus are bound by duty, a duty we have given ourselves as rational creatures. We thus freely choose (we *will*) to bind ourselves to the moral law. For Kant, choosing to obey the universal moral law is the very nature of acting ethically.

The Rights Approach

The Rights approach to ethics is another non-consequentialist approach which derives much of its current force from Kantian duty-based ethics, although it also has a history that dates back at least to the Stoics of Ancient Greece and Rome, and has another influential current which flows from work of the British empiricist philosopher John Locke (1632-1704). This approach stipulates that the best ethical action is that which protects the ethical rights of those who are affected by the action. It emphasizes the belief that all humans have a right to dignity. This is based on a formulation of Kant’s categorical imperative that says: “Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means to an end.” The list of ethical rights is debated; many now argue that animals and other non-humans such as robots also have rights.

The Fairness or Justice Approach

The Law Code of Hammurabi in Ancient Mesopotamia (c. 1750 BCE) held that all free men should be treated alike, just as all slaves should be treated alike. When combined with the universality of the rights approach, the justice approach can be applied to all human persons. The most influential version of this approach today is found in the work of American philosopher John Rawls (1921-2002), who argued, along Kantian lines, that just ethical principles are those that would be chosen by free and rational people in an initial situation of equality. This hypothetical contract is considered fair or just because it provides a procedure for what counts as a fair action, and does not concern itself with the consequences of those actions. Fairness of starting point is the principle for what is considered just.

The Divine Command Approach

As its name suggests, this approach sees what is right as the same as what God commands, and ethical standards are the creation of God’s will. Following God’s will is seen as the very definition what is ethical. Because God is seen as omnipotent and possessed of free will, God could change what is now considered ethical, and God is not bound by any standard of right or wrong short of logical contradiction. The Medieval Christian philosopher William of Ockham (1285-1349) was one of the most influential thinkers in this tradition, and his writings served as a guide for Protestant Reformers like Martin Luther (1483-1546) and Jean Calvin (1509-1564). The Danish philosopher Søren Kierkegaard (1813-1855), in praising the biblical Patriarch Abraham’s willingness to kill his son Isaac at God’s command, claimed that truly right action must ultimately go beyond everyday morality to what he called the “teleological suspension of the ethical,” again demonstrating the somewhat tenuous relationship between religion and ethics mentioned earlier.

iii.) Agent-centered Theories:

The Virtue Approach

One long-standing ethical principle argues that ethical actions should be consistent with ideal human virtues. Aristotle, for example, argued that ethics should be concerned with the whole of a person’s life, not with the individual discrete actions a person may perform in any given situation. A person of good character would be one who has attained certain virtues. This approach is also prominent in non-Western contexts, especially in East Asia, where the tradition of the Chinese sage Confucius (551-479 BCE) emphasizes the importance of acting virtuously (in an appropriate manner) in a variety of situations. Because virtue ethics is concerned with the entirety of a person’s life, it takes the process of education and training seriously, and emphasizes the importance of role models to our understanding of how to engage in ethical deliberation.

The Feminist Approach

In recent decades, the virtue approach to ethics has been supplemented and sometimes significantly revised by thinkers in the feminist tradition, who often emphasize the importance of the experiences of women and other marginalized groups to ethical deliberation.

Among the most important contributions of this approach is its foregrounding of the principle of care as a legitimately primary ethical concern, often in opposition to the seemingly cold and impersonal justice approach. Like virtue ethics, feminist ethics concerned with the totality of human life and how this life comes to influence the way we make ethical decisions.

Applied Ethics

Terms Used in Ethical Judgments

Applied ethics deals with issues in private or public life that are matters for ethical judgments. The following are important terms used in making moral judgments about particular actions.

Obligatory: When we say something is ethically “obligatory” we mean that it is not only right to do it, but that it is wrong not to do it. In other words, we have a ethical obligation to perform the action. Sometimes the easiest way to see if an action is ethically obligatory is to look at what it would mean NOT to perform the action. For example, we might say it is ethically obligatory for parents to care for their children, not only because it is right for them to do it, but also because it is wrong for them not to do it. The children would suffer and die if parents did not care for them. The parents are thus ethically “obligated” to care for their children.

Impermissible: The opposite of an ethically obligatory action is an action that is ethically impermissible, meaning that it is wrong to do it and right not to do it. For example, we would say that murder is ethically impermissible.

Permissible: Sometimes actions are referred to as ethically permissible, or ethically “neutral,” because it is neither right nor wrong to do them or not to do them. We might say that having plastic surgery is ethically permissible, because it is not wrong to have the surgery (it is not impermissible), but neither is it ethically necessary (obligatory) to have the surgery. Some argue that suicide is permissible in certain circumstances. That is, a person would not be wrong in committing suicide, nor would they be wrong in not committing suicide. Others would say that suicide is ethically impermissible.

Supererogatory: A fourth type of ethical action is called supererogatory. These types of actions are seen as going “above and beyond the call of duty.” They are right to do, but it is not wrong not to do them. For example, two people are walking down a hallway and see a third person drop their book bag, spilling all of their books and papers onto the floor. If one person stops to help the third person pick up their books, but the other person keeps on walking, we somehow feel that the person who stopped to help has acted in a more ethically appropriate way than the person who did not stop, but we cannot say that the person who did not stop was unethical in not stopping. In other words, the person who did not help was in no way obligated (it was not ethically obligatory) to help. But we nevertheless want to ethically praise the person who did stop, so we call his or her actions supererogatory.

3. FRAMEWORKS FOR ETHICAL DECISION-MAKING:

Making good ethical decisions requires a trained sensitivity to ethical issues and a practiced method for exploring the ethical aspects of a decision and weighing the considerations that should impact our choice of a course of action. Having a method for ethical decision making is essential. When practiced regularly, the method becomes so familiar that we work through it automatically without consulting the specific steps. This is one reason why we can sometimes say that we have a “moral intuition” about a certain situation, even when we have not consciously thought through the issue. We are practiced at making ethical judgments, just as we can be practiced at playing the piano, and can sit and play well “without thinking.” Nevertheless, it is not always advisable to follow our immediate intuitions, especially in particularly complicated or unfamiliar situations. Here our method for ethical decision making should enable us to recognize these new and unfamiliar situations and to act accordingly.

The more novel and difficult the ethical choice we face, the more we need to rely on discussion and dialogue with others about the dilemma. Only by careful exploration of the problem, aided by the insights and different perspectives of others, can we make good ethical choices in such situations.

Three Frameworks

Based upon the three-part division of traditional normative ethical theories discussed above, it makes sense to suggest three broad frameworks to guide ethical decision making: The Consequentialist Framework; The Duty Framework; and the Virtue Framework.

While each of the three frameworks is useful for making ethical decisions, none is perfect—otherwise the perfect theory would have driven the other imperfect theories from the field long ago. Knowing the advantages and disadvantages of the frameworks will be helpful in deciding which is most useful in approach the particular situation with which we are presented.

The Consequentialist Framework

In the Consequentialist framework, we focus on the future effects of the possible courses of action, considering the people who will be directly or indirectly affected. We ask about what outcomes are desirable in a given situation, and consider ethical conduct to be whatever will achieve the best consequences. The person using the Consequences framework desires to produce the most good.

Among the advantages of this ethical framework is that focusing on the results of an action is a pragmatic approach. It helps in situations involving many people, some of whom may benefit from the action, while others may not. On the other hand, it is not always possible to predict the consequences of an action, so some actions that are expected to produce good consequences might actually end up harming people. Additionally, people sometimes react negatively to the use of compromise which is an inherent part of this approach, and they recoil from the implication that the end justifies the means. It also does not include a pronouncement that certain things are always wrong, as even the most heinous actions may result in a good outcome for some people, and this framework allows for these actions to then be ethical.

The Duty Framework

In the Duty framework, we focus on the duties and obligations that we have in a given situation, and consider what ethical obligations we have and what things we should never do. Ethical conduct is defined by doing one's duties and doing the right thing, and the goal is performing the correct action.

This framework has the advantage of creating a system of rules that has consistent expectations of all people; if an action is ethically correct or a duty is required, it would apply to every person in a given situation. This even-handedness encourages treating everyone with equal dignity and respect.

This framework also focuses on following moral rules or duty regardless of outcome, so it allows for the possibility that one might have acted ethically, even if there is a bad result. Therefore, this framework works best in situations where there is a sense of obligation or in those in which we need to consider why duty or obligation mandates or forbids certain courses of action.

However, this framework also has its limitations. First, it can appear cold and impersonal, in that it might require actions which are known to produce harms, even though they are strictly in keeping with a particular moral rule. It also does not provide a way to determine which duty we should follow if we are presented with a situation in which two or more duties conflict. It can also be rigid in applying the notion of duty to everyone regardless of personal situation.

The Virtue Framework

In the Virtue framework, we try to identify the character traits (either positive or negative) that might motivate us in a given situation. We are concerned with what kind of person we should be and what our actions indicate about our character. We define ethical behavior as whatever a virtuous person would do in the situation, and we seek to develop similar virtues.

Obviously, this framework is useful in situations that ask what sort of person one should be. As a way of making sense of the world, it allows for a wide range of behaviors to be called ethical, as there might be many different types of good character and many paths to developing it. Consequently, it takes into account all parts of human experience and their role in ethical deliberation, as it believes that all of one's experiences, emotions, and thoughts can influence the development of one's character.

Although this framework takes into account a variety of human experience, it also makes it more difficult to resolve disputes, as there can often be more disagreement about virtuous traits than ethical actions. Also, because the framework looks at character, it is not particularly good at helping someone to decide what actions to take in a given situation or determine the rules that would guide one’s actions. Also, because it emphasizes the importance of role models and education to ethical behavior, it can sometimes merely reinforce current cultural norms as the standard of ethical behavior.

Putting the Frameworks Together

By framing the situation or choice you are facing in one of the ways presented above, specific features will be brought into focus more clearly. However, it should be noted that each framework has its limits: by focusing our attention on one set of features, other important features may be obscured. Hence it is important to be familiar with all three frameworks and to understand how they relate to each other—where they may overlap, and where they may differ.

The chart below is designed to highlight the main contrasts between the three frameworks:

	Consequentialist	Duty	Virtue
Deliberative process	What kind of outcomes should I produce (or try to produce)?	What are my obligations in this situation, and what are the things I should never do?	What kind of person should I be (or try to be), and what will my actions show about my character?
Focus	Directs attention to the future effects of an action, for all people who will be directly or indirectly affected by the action.	Directs attention to the duties that exist prior to the situation and determines obligations.	Attempts to discern character traits (virtues and vices) that are, or could be, motivating the people involved in the situation.
Definition of Ethical Conduct	Ethical conduct is the action that will achieve the best consequences.	Ethical conduct involves always doing the right thing: never failing to do one's duty.	Ethical conduct is whatever a fully virtuous person would do in the circumstances.
Motivation	Aim is to produce the most good.	Aim is to perform the right action.	Aim is to develop one’s character.

Because the answers to the three main types of ethical questions asked by each framework are not mutually exclusive, each framework can be used to make at least some progress in answering the questions posed by the other two.

In many situations, all three frameworks will result in the same—or at least very similar—conclusions about what you should do, although **they will typically give different reasons for reaching those conclusions.**

However, because they focus on different ethical features, **the conclusions reached through one framework will occasionally differ from the conclusions reached through one (or both) of the others.**

4. APPLYING THE FRAMEWORKS TO CASES:

When using the frameworks to make ethical judgments about specific cases, it will be useful to follow the process below.

Recognizing an Ethical Issue

One of the most important things to do at the beginning of ethical deliberation is to locate, to the extent possible, the specifically ethical aspects of the issue at hand. Sometimes what appears to be an ethical dispute is really a dispute about facts or concepts. For example, some Utilitarians might argue that the death penalty is ethical because it deters crime and thus produces the greatest amount of good with the least harm. Other Utilitarians, however, might argue that the death penalty does not deter crime, and thus produces more harm than good. The argument here is over which facts argue for the morality of a particular action, not simply over the morality of particular principles. All Utilitarians would abide by the principle of producing the most good with the least harm.

Consider the Parties Involved

Another important aspect to reflect upon are the various individuals and groups who may be affected by your decision. Consider who might be harmed or who might benefit.

Gather all of the Relevant Information

Before taking action, it is a good idea to make sure that you have gathered all of the pertinent information, and that all potential sources of information have been consulted.

Formulate Actions and Consider Alternatives

Evaluate your decision-making options by asking the following questions:

Which action will produce the most good and do the least harm? (The Utilitarian Approach)

Which action respects the rights of all who have a stake in the decision? (The Rights Approach)

Which action treats people equally or proportionately? (The Justice Approach)

Which action serves the community as a whole, not just some members?
(The Common Good Approach)

Which action leads me to act as the sort of person I should be? (The Virtue Approach)

Make a Decision and Consider It

After examining all of the potential actions, which best addresses the situation? How do I feel about my choice?

Act

Many ethical situations are uncomfortable because we can never have all of the information. Even so, we must often take action.

Reflect on the Outcome

What were the results of my decision? What were the intended and unintended consequences? Would I change anything now that I have seen the consequences?

5. CONCLUSIONS:

Making ethical decisions requires sensitivity to the ethical implications of problems and situations. It also requires practice. Having a framework for ethical decision making is essential. We hope that the information above is helpful in developing your own experience in

making choices.

Acknowledgements:

This framework for thinking ethically is the product of dialogue and debate in the seminar *Making Choices: Ethical Decisions at the Frontier of Global Science* held at Brown University in the spring semester 2011. It relies on the Ethical Framework developed at the Markkula Center for Applied Ethics at Santa Clara University and the Ethical Framework developed by the Center for Ethical Deliberation at the University of Northern Colorado as well as the Ethical Frameworks for Academic Decision-Making on the Faculty Focus website which in turn relies upon Understanding Ethical Frameworks for E-Learning Decision-Making, December 1, 2008, *Distance Education Report* ([find url](#))

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