

ETHICAL ANALYSIS FRAMEWORK

// CLASS 7

FALL 2015 / SECTION 02 / HOLLY BUCK

*adapted from slides by Dr. Cynthia Matuszek, Dr. Marie
desJardins*

TODAY'S CLASS...

- Review Moor
- Introduce a concrete methodology: the "Ethical Analysis Framework"
- Apply methodology to a sample case, in group

TEAMWORK ROLES

In some classes, groups will need to establish roles:

- Facilitator – keeps the discussion on track, ensures everyone is participating and that you're using your time well
- Scribe – takes notes and takes the lead on preparing a written assignment for submission, if one is required
- Expert – reads the assigned supplementary reading before class.
 - Needed when there is supplementary reading - should be chosen in advance, and rotated equally
- Spokesperson – gives the oral presentation to the rest of the class
- For today, you may want a *facilitator* and a *scribe*

MOOR'S JUST CONSEQUENTIALISM

- Combine deontological and consequential reasoning
- Core values: What “goods” do we want to protect?
- “(life, happiness, abilities, security, knowledge, freedom, opportunities, and resources)” [Tavani p41]
- Causing an individual to lose any of these goods is “doing harm,” which is to be avoided
- Protect justice, rights, and duties
- Societal obligations
- Keep your promises, obey the law, satisfy (explicit or implicit) contractual duties

RESOLVING CONFLICTS

- Deliberation stage
 - Consider possible policies
 - Not case-by-case, but as a general rule
 - Throw out the unethical and unjust
- Selection stage
 - Carefully identify and analyze consequences/ tradeoffs of possible (remaining) policies
 - Weigh the positives and negatives

A CONCRETE METHODOLOGY

1. **Identify relevant facts (past/future, known/concluded)**
2. **Identify *possible* policies**
 - A. Who is making the decisions?
 - B. Who are the stakeholders affected by the policies?
Remember to think broadly.
3. **Analyze each policy**
 - A. Does it pass the tests of fairness and justice?
 - B. Are some individuals deprived of their rights at the expense of others?
 - C. Does it make a reasonable *universal* policy?
 - D. Reject policies that are *prima facie* unethical, unfair, or unjust

A CONCRETE METHODOLOGY

4. Identify the principles and values that should be factored into a tradeoff analysis

- What are the goods to be protected or the rights of the individuals involved?

5. Identify the consequences of each policy, with respect to each group of stakeholders (Known or potential; positive and negative)

6. Identify the laws that may govern the actions taken by the individuals in this situation.

- Do they require or prohibit any actions?

A CONCRETE METHODOLOGY

7. Identify and analyze the tradeoffs for each policy, with respect to consequences and principles that conflict

A. Consider each policy with respect to principles that are in conflict.

B. Analyze the “goodness/harm ratio” – how much positive benefit is created, relative to the negative consequences?

8. Analyze the ethical issues with respect to the laws

Are the relevant laws consistent or inconsistent with the apparent ethical tradeoffs?

9. Analyze the ethical issues with respect to the relevant professional code(s) of ethics.

Is the professional code consistent or inconsistent with the apparent ethical tradeoffs? With the laws?

A CONCRETE METHODOLOGY

10. Draw a conclusion!

- What action *should* be taken, based on the policy that is the most ethical (fair/just/happiness-maximizing) of the available options?
- If this action is inconsistent with the applicable laws, then your conclusion may include a recommendation that the law should be changed

11. Write a cogent summary of your analysis and reasoning, including all of the information that you collected/created during the first ten steps of the process.

A CASE TO CONSIDER

- Read the short paragraphs in the handout
-> focus on item III, mandatory drug tests
(from: <http://onlineethics.org/Resources/Cases/Drinking.aspx>)
- Apply the steps of the methodology
- You can skip #9 and #11 but don't have to; you may use your prior beliefs about laws for #5 and #7
- Optionally (after you finish your initial analysis):
- Read the commentaries:
- <http://www.onlineethics.org/cms/11658.aspx>
- <http://www.onlineethics.org/cms/11662.aspx>
- <http://www.onlineethics.org/cms/11660.aspx>
- <http://www.onlineethics.org/cms/11664.aspx>aw9a
- Did the commentators reached the same conclusions?
Do any of the commentaries cause you to change your analysis?

POST-CLASS ASSIGNMENT

Either at the end of class or within the next week, submit:

1. Your written group notes on the case
 - Organized by the steps of the methodology
 - Neat, legible, and grammatical, but do not need to be written as a full report (bullets/notes are OK)
2. A marked-up copy of the “Ethical Analysis Framework”:
 - Wording changes.
 - Clarifications in or changes to the directions.
 - Additional steps that you think should be followed.
 - Questions about the framework you have after today’s class.

FOR NEXT CLASS...

#RJ5 – Privacy & government

You can mention all, some, or one of the readings – but be sure to read them all.

- Ethical Analysis 1 assignment: will be posted later tonight, read it and ask questions on Piazza or jot down questions for next class.