

# CMSC 304

## Ethical Analysis Framework

*General comments: This is not necessarily a linear process, even though the steps are numbered. For example, thinking about consequences may lead you to come up with a new possible policy, which would need to be included in the list in step 2 and in subsequent analysis steps. Also, in each step, you may want to include questions that aren't answered by your current sources (to be further researched).*

- 1. Identify the relevant facts** (past/future, known/concluded).
  - a. Provide a comprehensive list of facts that are or may be relevant.
- 2. Identify the possible policies.**
  - a. Generate a broad set of reasonable alternative policies. (Think broadly!)
  - b. Who is making the decisions?
  - c. Who are the stakeholders affected by the policies?
- 3. Analyze each policy.**
  - a. Impartially consider each policy from a deontological and consequential point of view.
  - b. Does the policy pass the tests of fairness and justice? Are some individuals deprived of their rights at the expense of others? Does it make a reasonable *universal* policy?
  - c. Reject any policies that are *prima facie* excessively unethical, unfair, or unjust.
- 4. Identify the principles and values.**
  - a. What are the goods to be protected or the rights of the individuals involved?
- 5. Identify the consequences** (known or potential, positive and negative).
  - a. Consider the consequences of each policy, with respect to each group of stakeholders.
- 6. Identify the applicable laws.**
  - a. Do they require or prohibit any actions by the individuals involved?
- 7. Identify and analyze the tradeoffs.**
  - a. Consider each policy with respect to principles that are in conflict.
  - b. Analyze the “goodness/harm ratio” – how much positive benefit is created for how many people, relative to the negative consequences?
- 8. Analyze the ethical issues with respect to the laws.**
  - a. Are the relevant laws consistent or inconsistent with the ethical tradeoffs?
- 9. Analyze the ethical issues with respect to the relevant professional code(s) of ethics.**
  - a. Is the professional code consistent or inconsistent with the ethical tradeoffs?
- 10. Draw and justify a conclusion.**
  - a. What action *should* be taken, based on the policy that is the most ethical (most fair/just/happiness-maximizing) of the available options?
  - b. 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.**
  - a. The written analysis all of the information that you collected/created during the first ten steps of the process.

# Ethical Analysis Framework Quick Reference

1. **Identify the relevant facts**
2. **Identify the possible policies**, decision makers, and stakeholders
3. **Analyze each policy**; reject if *prima facie* unjust
4. **Identify the principles and values**
5. **Identify the consequences**
6. **Identify the applicable laws**
7. **Identify and analyze the tradeoffs**
8. **Analyze the ethical issues with respect to the laws**
9. **Analyze the ethical issues with respect to the relevant professional code(s) of ethics**
10. **Draw and justify a conclusion**
11. **Write a cogent summary of your analysis and reasoning.**