Ethical Analysis Framework

CMSC 304 – Spring 2014

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 or situation, which would need to be included in the list in step 2 and in subsequent analysis steps. Also, in each step, you could generate/discover questions that aren’t answered by your current sources (in other words, that need to be researched further.)

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 / decision centers / outcomes / influences.**
   a. Generate a broad set of reasonable alternative policies/outcomes.
   b. Who is making the decisions?
   c. Who are the stakeholders affected by the policies?
3. **Analyze each aspect**
   a. Impartially consider each aspect from a deontological and consequential point of view.
   b. Does it 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 – but not necessarily ignore – any aspects or positions 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 involved stakeholders?
5. **Identify the consequences** (known or potential, both positive and negative).
   a. Consider the consequences of each decision/outcome, with respect to each group of stakeholders.
6. **Identify the applicable laws, regulations, or ethical contexts involved.**
   a. Do they require or prohibit any actions by the individuals involved?
7. **Identify and analyze the tradeoffs.**
   a. Consider each outcome with respect to principles that are in conflict.
   b. Conduct an ethical cost-benefit analysis – 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 outcome 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 centers / outcomes / influences.
3. Analyze each aspect; reject if *prima facie* unjust
4. Identify the principles and values
5. Identify the consequences
6. Identify the applicable laws, regulations, or ethical contexts involved.
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.