contents

critical thinking

thinking critically about ethical issues

We don't cover any particular step or steps in this section—you can, and should, apply *all* of your critical thinking skills when you think about ethical issues (hence, the entire template is bolded)!

Template for critical analysis of arguments

1. **What's the point (claim/opinion/conclusion)?**
   - **Look for subconclusions as well.**
2. **What are the reasons/what is the evidence?**
   - **Articulate all unstated premises.**
   - **Articulate connections.**
3. **What exactly is meant by . . .?**
   - **Define terms.**
   - **Clarify all imprecise language.**
   - **Eliminate or replace "loaded" language and other manipulations.**
4. **Assess the reasoning/evidence:**
   - **If deductive, check for truth/acceptability and validity.**
   - **If inductive, check for truth/acceptability, relevance, and sufficiency.**
5. **How could the argument be strengthened?**
   - **Provide additional reasons/evidence.**
   - **Anticipate objections—are there adequate responses?**
6. **How could the argument be weakened?**
   - **Consider and assess counterexamples, counterevidence, and counter-arguments.**
   - **Should the argument be modified or rejected because of counter-arguments?**
7. **If you suspend judgment (rather than accepting or rejecting the argument), identify further information required.**

1

Ethical reasoning

The word "**ethics**" refers to matters of right and wrong. Whether or not to cheat is an ethical issue. Whether or not to dry your dishes with a dishtowel as opposed to letting them air-dry is not an ethical issue. The word "**morality**" refers to a particular system of ethical beliefs or principles. And while we're dealing with words, people often use "moral" as the opposite of "immoral" in order to describe someone or something as "righteous." However, strictly speaking, "moral" simply means "having to do with morality" and is the opposite of "amoral," which means *not* having to do with morality. When you want to describe a person or an action favorably, with regard to morality, you should say the person is "morally good" or the action was "morally right."

1a Practice recognizing ethical issues

Which of the following arguments involves an ethical issue?

1. If you want to play Beethoven's *Pathètique* someday, you should practice more.
2. People should never pay less for a product than will lead to a living wage for the people who made the product because that would be stealing.
3. I recommend we approve the first salary schedule rather than the second simply because we can't afford the second.
4. The best way to protect people from wrongdoing is to make the wrongdoing illegal.

5. You say that women shouldn't be allowed to be soldiers because they'll miss so many days because they're the ones, like it or not, who get pregnant, but not all women get pregnant, so you should make pregnancy the disqualifying factor, not the mere fact of being a woman. And anyway, even when pregnancies are included, men tend to miss more days on duty than do women, due to sports injuries, alcohol abuse, and disciplinary causes. At least that was the case in the Gulf War.

As mentioned in Chapter 6 (Section 6.1.2), given the non-empirical nature of the claims involved, in ethics there is no truth of the matter. (But that is not to say that all ethical claims are equally acceptable—some are better than others! Keep reading!) For some people—for many people—that can be very frustrating, and as a result, they simply reject the whole business. I call this "the flight from the grey": people can't understand something in the simple terms of black and white, so they pretend it doesn't exist or isn't important. After all, doing that is much easier than entering the grey area, getting lost, getting confused, and getting frustrated with complexity and uncertainty. Such moral paralysis—not making moral decisions at all, pretending ethical problems are unsolvable—can be avoided if you keep in mind that you don't have to figure out the absolute single right thing to do; you just have to figure out as much as you can. You don't have to make the best decision; just try to make better decisions, more carefully considered decisions. Simply getting to the point where at least you're asking all the right questions is an achievement. Seriously.

Furthermore, evaluating arguments about ethical issues is no different from evaluating other sorts of arguments. The template provided at the beginning of each chapter is provided at the beginning here as well. So, as with other arguments, when you are presented with an argument about an ethical issue, go through the same steps: identify the issue, identify the point, and identify the premises supporting that point (both those explicitly stated and those assumed); then evaluate the premises, considering whether or not they're true or acceptable, whether or not they're relevant, and whether or not they're sufficient to support the claim. Then decide whether the argument is strong enough for you to accept its conclusion, usually a judgment about whether something is right or wrong.

As for forming our own moral judgments, making our own arguments about ethical issues, unfortunately, ethically speaking, most of us are quite undeveloped; we haven't updated our childhood training. Most of our moral training stopped when we were somewhere around 13 or 14 years of age, but as adults, we have to deal with a lot of ethical issues that our childhood morality simply can't handle very well. It doesn't have much in the way of conceptual complexity and subtlety; it doesn't make the fine distinctions that are necessary; it's not as precise as it needs to be. For example, "Don't steal" is fine unless you're starving or the person from whom you're stealing doesn't rightfully possess what you're stealing. Then things get a little difficult.

Many ethical arguments attempt to establish a general principle (see Sections 7.4 and 7.4.1) that can then be used as a guide for decisions about moral right and wrong. Many such arguments can be put into deductive form, usually with a universal positive premise that articulates some general ethical principle. To this extent, they are similar to categorical deductive arguments of the form "All A are B, C is an A, therefore C is a B"—"All A are B" is the general principle (for example, "All stealing is wrong").

Also, these sorts of argument involve definition to a great degree, and great pains are taken to establish a definition that is sufficiently precise with respect to features and conditions, as well as sufficiently inclusive and exclusive (see Section 5.3). For example, "Don't steal" is a general principle, and in order to use that as a guide for decisions, you must have a clear definition of what counts as stealing (for example, is it stealing if the person you're taking from doesn't rightfully possess what you're taking?).

Not only are general principles often the premise of an ethical argument; they are also often a conclusion. That is the case when you are trying to determine what general principles to use. You'll need to make an argument to support the principles you advocate as guides for decision-making. For example, why exactly *is* stealing wrong?

1b Practice recognizing implicit general principles in the context of ethical arguments

What underlying principle is assumed in the following arguments?

1. The federal government should have the responsibility for determining how many and what kind of professionals get trained because it provides the funding for professional graduate education.
2. She's always breaking arrangements she's made with her friends; as soon as some guy asks her out, well, that takes precedence! Some friend she is!
3. They took their cat in for euthanasia just because it became an inconvenience. Unbelievable!
4. They owe money to the government (I heard they haven't paid last year's income taxes yet) and to a creditor (Visa) for stuff they've bought, and yet they "afford" to take trips to Florida and Arizona. How wrong is that!
5. Of course he's slime: half the stuff on his resumé is made up.

It is important to understand that there are often justifiable exceptions to general principles. Just as it is important to recognize the principle that is being used, it is also important to recognize when a general principle should *not* be used, that is, when the case in question is an exception. What we're talking about here is, essentially, the error of a misapplied principle (see Section 7.4.1), specifically in the context of ethical reasoning.

In many cases, exceptions indicate that the general principle should be even more carefully formulated. For example, the general principle "It is wrong to kill," in the face of several standard exceptions, is usually better off being more carefully formulated. For example, such a general principle *as stated* prohibits harvesting crops. An obvious reformulation would be "It is wrong to kill sentient beings." Other refined statements of that principle will certainly come to mind when one considers war, capital punishment, self-defense, euthanasia, abortion, and other cases of possibly morally acceptable killing.

1c Practice recognizing justifiable exceptions to general principles

In which of the following might the case in point be an exception to the rule? That is, in which of the following is a principle misapplied or in need of more careful formulation?

1. It's wrong to exceed the speed limit. He drove way over the limit when he was taking his wife, who had gone into labor, to the hospital. Even so, he was in the wrong.
2. It's wrong to have sex before you're married. And I don't care that the minister was a fake and it turns out you weren't really married.
3. It's wrong to lie, especially in court. You say that you've received threats, and fear for your children if you tell the truth, but still—
4. I just posted those pictures as a joke! How was I to know he'd lose his family and his career. I can't see into the future. And the pictures weren't fakes—he really did that stuff!
5. Yes, I admit I assaulted the guy. But one, I thought he was someone else. And two, I never intended to hurt him that badly.

Kantian ethics is perhaps the most well-known approach invoking a principle, Kant's categorical imperative: "Act only according to that maxim whereby you can at the same time will that it should become a universal law." His principle is derived from his belief that what makes us essentially human is our rationality, and rationality is intolerant of contradictions; the categorical imperative ensures we live without contradiction.

Most general principles for arguments about ethical issues involve values, rights, or consequences; many ethical arguments contain a mix of these three elements. These three considerations will be addressed in the following three sections of this chapter. However, before we go on, let's consider some of the commonly used general principles for moral decision-making that do not stand up under critical scrutiny:

(1) "One's *intuition* or *gut feeling* is a good guide to right and wrong." Suppose that you become very angry and you feel like hitting someone—that'd be

okay? Because you were just following your gut feelings? Have your feelings never led you to do something that, upon further consideration, was a really stupid thing to do? And what about matters on which you have mixed feelings, matters about which you feel torn; has that never happened to you?

(2) "One should always just follow one's *conscience*." What exactly is one's conscience? An infallible moral compass you were born with? Then why wasn't I born with it? Or is it just a collection of moral habits, "the way you were raised"? Might you have been raised with beliefs that should be revised? (Are your parents really infallible in their opinions?) That appeals to conscience are more likely appeals to feeling than appeals to thinking is indicated by the fact that we generally don't think about our conscience; we never say "Reconsider your conscience" or "Critically examine your conscience"—we say just "Follow your conscience" as if it's some immutable list of rules.

(3) "As long as it's *legal*, it's okay." For a long time, it was legal to actually own another person and pretty much do whatever you wanted to them. It was also legal to beat someone if they happened to be married to you (as long as you used a stick no thicker than your thumb). A lot of people today don't think it's wrong to smoke marijuana, but it is illegal. Those who consider law to be a sufficient guide to morality must accept that on such and such a date it was not wrong to hire children for 14-hour shifts, but on the next day, it was (when that law changed). What about ethical matters not covered by law? It's not illegal to refuse to lend your friend some money—so is it morally okay?

(4) "Treat others as you'd like to be treated." But what if, for example, someone prefers not to be told they have a terminal illness, and you, on the other hand, would want to know. Following this general principle would mean you would tell them, because *you'd* want to know—are you sure that'd be the right thing to do?

(5) "As long as you don't *hurt* anyone, whatever it is is okay." No exceptions? What about sports and surgery? People get hurt in those situations—so it's wrong? (And by the way, how do you define 'hurt'?)

(6) "Right and wrong *depends on the person*; each person should just do what they think is right." The first part is rather vague. If what is meant is that you'll get different answers about right and wrong depending on who you ask, well that's true enough—not everyone agrees. And certainly the second part is a general principle most people can endorse. Everyone *should* make up their own mind about what's right and wrong. But neither serves as a general principle that helps one do just that—neither part says anything about what *is* right and wrong. These comments, by the way, seem often to be offered as some sort of open-mindedness or tolerance for diversity. And perhaps as long as the issue affects no one but the person making the decision, such tolerance is laudable. But if you think it's okay to kill other people, such as me, for example, well I'm afraid there's where my tolerance for diversity

ends! I think such tolerance is often used as a sort of smoke screen for unexamined moralities: I won't question your beliefs, so don't you question mine—because I really don't know why I believe what I believe, I just do! Perhaps those who endorse a non-judgmental view are those most fearful of being judged. Also, if you're really saying "I believe what I believe, you believe what you believe, case closed"—well, such an absence of discussion, of resolution of conflicts, doesn't sound very open-minded at all.

(7) "Morality is dependent on your religion" or "God tells you what to do." Plato identified long ago one of the problems of linking morality to the gods:

> *Socrates*: Well, then, Euthyphro, what do we say about holiness? Is it not loved by all the gods, according to your definition?
> *Euthyphro*: Yes.
> *Socrates*: Because it is holy, or for some other reason?
> *Euthyphro*: No, because it is holy.
> *Socrates*: Then it is loved by the gods because it is holy: it is not holy because it is loved by them?
> *Euthyphro*: It seems so.
> *Socrates*: . . .Then holiness is not what is pleasing to the gods, and what is pleasing to the gods is not holy as you say, Euthyphro. They are different things.
> *Euthyphro*: And why, Socrates?
> *Socrates*: Because we are agreed that the gods love holiness because it is holy: and that it is not holy because they love.

In other words, if something is valued (loved) by the gods because it's holy, then they're not gods—there's some standard higher than them that's deciding what's holy and what's not. And if something is valued by us (considered holy) because it's valued (loved) by the gods, then they could assign value to any awful thing in a rather capricious manner and we'd be obliged to value it.

Another problem is simply that of authority (see Section 4.3.1). When one says X is wrong because God says so in the Bible, one is referring to God as an authority (trusting God's say-so, avoiding thinking for him/herself). But is God a moral expert? What evidence do you have of that? It seems there's a lot of counterevidence; the Bible is full of stories in which killing was condoned by God.

2

Values-based ethical reasoning

Values-based ethical reasoning involves determining whether an action is right or wrong *according to whether or not the action in question conforms to certain values*, such as truthfulness, responsibility, justice, temperance, courage, self-control, wisdom, magnanimity, pride, ambition, gentleness, frankness, self-interest, fidelity, gratitude, benevolence, self-improvement, non-maleficence, reparation, care, compassion, sensitivity, reciprocity, generosity, modesty, kindness, respect, patriotism, chauvinism, equality, and so on. The supporting general principle would be something like "It is morally right to be truthful" or "It is morally wrong not to accept responsibility for your own actions." For example, consider this argument:

> You knocked over the vase, didn't you? And now you're trying to blame your sister for doing it! That's wrong. You should always take responsibility for your actions. And that includes accepting the consequences.

The speaker is appealing to the value of responsibility, invoking the underlying principle just mentioned.

Although not strictly a values-based approach (if you take an ethics course, you'll get into these matters, and distinctions, more deeply), virtue ethics (for

example, Aristotelian ethics) is related to this approach in that although the focus is on being a virtuous person, one needs to establish and justify a list a virtues, such as beneficence and justice, to which the virtuous person conforms.

2a Practice recognizing ethical arguments based on values

Which of the following arguments involve an appeal to values? Identify both the value(s) and the underlying general principle(s) that form the premises that lead to the conclusion that something is right or wrong.

1. Pornography is the vehicle for the dissemination of a deep and vicious lie about women. It is defamatory and libelous.

   (Helen E. Longino, "Pornography, Oppression, and Freedom: A Closer Look," in Laura Lederer, ed., *Take Back the Night: Women on Pornography* William Morrow, 1980. rpt. in *Taking Sides: Clashing Views on Controversial Moral Issues*. 5th edn Stephen Satris. ed., 1996.)

2. *Cesoris*: I think euthanasia is morally acceptable when the person is unable to suicide on their own and they have clearly and repeatedly requested assistance.

   Bates: Who appointed you God? Who gave you the right to play God?

   Cesoris: First, I'm not playing; death is always serious. Second, what's your point exactly—that we should never intervene in God's divine plan? One, we've been intervening, changing the natural course of things for a long time—we've been building dams, making paper out of trees, having surgery, making aspirin . . . Two, God told you that life at all costs is part of his plan, butt out?

   Bates: I believe life is precious, yes. That's why euthanasia's wrong; it violates the sanctity of life.

   Cesoris: Life at all costs though? Life when the person isn't even aware of being alive? Life when the person is in pain and highly unlikely to get better?

   Bates: But God gives life; only He can take it away.

   Cesoris: Well, no, my parents gave me life. And that doesn't mean only they can take it away.

3. If I have the right to sell the labor of my body, why shouldn't I have the right to sell my body parts?

4. The very notion of dumping one's wastes in someone else's territory is repulsive. When the Mexican navy turned back an American barge laden with garbage, one Mexican newspaper columnist commented that "the incident serves to illustrate once again the scorn that certain sectors of U.S. society

feel toward Mexico in particular and Latin America in general ("Mexico Sends Back." *Montreal Gazette*, April 27, 1987). Others have pointed to the export of wastes as an example of neo-colonialist behaviour. An official of an environmental organization expressed this view in the following manner: "I am concerned that if U.S. people think of us as their backyard, they can also think of us as their outhouse" (Porterfield and Weir, 1987). In addition to arousing emotions such as those described above, the international trade in hazardous wastes raises a number of ethical issues.

. . .

To export these [hazardous] wastes [such as solvents, radioactive wastes, PCB wastes, pharmaceutical wastes, and so on] to countries which do not benefit from waste generating industrial processes or whose citizens do not have lifestyles that generate such wastes is unethical. It is especially unjust to send hazardous wastes to lesser developed countries which lack the technology to minimize the deleterious effects of these substances.

(Jang B. Singh and V. C. Lakhan, "Business Ethics and the International Trade in Hazardous Wastes," *Journal of Business Ethics*, 8.11, November 1989)

5. If the purpose of the First Amendment is to foster the greatest amount of speech, racial insults disserve that purpose. Assaultive racist speech functions as a preemptive strike. The invective is experienced as a blow not as a proffered idea, and once the blow is struck, it is unlikely that a dialogue will follow. Racial insults are particularly undeserving of First Amendment protection because the perpetrator's intention is not to discover truth or initiate dialogue but to injure the victim. In most situations, members of minority groups realize that they are likely to lose if they respond to epithets by fighting and are forced to remain silent and submissive.

(Charles R. Lawrence II, "On Racist Speech," *The Chronicle of Higher Education*, October 25, 1989)

Some values are not that easy to define. For example, what exactly is justice? Is it the same as fairness? And is it fair for everyone to get the same (egalitarianism)? Or is it fair that some get more than others—because they need more or because they deserve more? (And how do we determine what people deserve—by effort? by contribution?)

2b Practice defining values

Think about the values which guide your own ethical decisions. List the top five. Now, define them.

Once you've defined various values, you have to decide which values are morally good, for those are the ones you'll use to decide between right and wrong.

How do you do that? Some people appeal to religion as the basis for their values. In fact, "religious values" were, apparently, very much a factor in the 2005 Presidential election. But one hardly ever heard those values identified. What religious values were intended? Whose religion? Contrary to popular opinion, many so-called "Christian values" are not held just by Christians (and therefore to call them that is misleading). Atheists value truthfulness and generosity, Jews and Muslims value the subordination of women, and so on. Furthermore, many Christians differ about what Christian values are: I suspect some Christian readers were quick to note in the margin that the subordination of women is *not* a Christian value. Christians differ on many other ethical issues as well, from contraception to eating fish on Friday.

Appealing to the personal word of a god (suppose you were told what values to hold) is also problematic. See the problems regarding personal testimony listed in Section 6.4.1, most notably those of interpretation and verification. Even appealing to the Bible is problematic. First, there is no conclusive proof that that book contains the literal word of a god, nor that it was inspired by a god. For example, the story of Jesus' birth is almost identical to many pre-Christian tales, suggesting that the Bible may be a book of myths instead of the word of a god. And if it *is* the word of a god, what argument can be given to accept the word of *this* god and not that of some other god? How do you know that your god is the right one? What proof do you have of his moral authority? ("I just know" is not a sufficient answer.) (What if your professor were to say to your query about your failing grade, "I just know you should fail"?) Second, as a collection of personal testimonies, the Bible itself suffers the problems just referred to (Section 6.4.1), perhaps most notably those of credibility and memory. For example, the accounts were written many years after the events occurred. Also, it suffers from the possibility of errors of translation and editing. Consider the apocrypha, a collection of books edited out of the Bible by various people along the way. What if some of those books are actually as authentic as those that were left in? As for translation, which of the many current versions is the correct one? Third, there are inconsistencies throughout the Bible that make it hard to determine what values are advocated. Here are just three examples: "Thou shalt not kill" (Ex. 20:13) and "Put every man his sword by his side and slay his brother, companion, and neighbor" (Ex. 32:27); "Submit yourself to every ordinance of man" (1 Peter 2:13) and "We ought to obey God rather than men" (Acts 5:29); "For by grace are ye saved through faith, not of works" (Eph. 2:8, 9) and "By works a man is justified, and not by faith" (James 2:24). Given the last problem, it's clear that people pick and choose from the Bible the values they want. (No one seems to pick child-bashing, as advocated in Psalms 137:9 "Happy shall he be, that taketh and dasheth thy little ones against the stones," or animal torture, as endorsed by the story about Samson, or mass-murder, as endorsed by God's killing almost everyone with a flood.)

(And to those who say that this whole discussion is irrelevant because religion is not a matter of reason but a matter of faith, to those who say that one must

simply *believe*, without reasons, without evidence—well, if that's the case, then I can simply believe in the Great Big Purple Platypus, who tells me to kidnap and kill your kids, and that's that. I don't have to prove that the Great Big Purple Platypus exists, nor do I have to prove that its commands are good and should be carried out. You should just accept what I say as true and right. After all, that's what you're asking me to do about your beliefs and values.)

Fortunately, although religious belief may be important in other ways (or it may not), we don't have to depend on it for our values. There are other ways of deciding which values will guide our decisions about right and wrong. For example, one might argue that some sort of communal life is better than a life lived totally alone. Speaking for myself, I wouldn't have been able to invent CDs or the flush toilet, so I'm very glad indeed to have the benefit of other people's ideas and efforts! From that point, the desirability of some sort of community, one might argue that there are certain values that make for a good kind of community. For example, life is better when you're not hungry all the time, so eating only what you need might be a good value to uphold if you're living with others. And life is better when you don't have to be vigilant all the time against theft or assault, so self-control, not stealing, and not hurting others are good values to uphold if you're living in a community. And so on.

Alternatively, you might think that you are the most important person in the world. And if *that's* the basis for your values, you will probably come to value greed, manipulation, deceit, and so on, all of which serve your own self-interests quite well. So you see, the basis of your values, what you ground your values on, determines what those values will be.

The main problem for those who use a values-based approach to ethical issues is deciding what to do when values collide. Which values take precedence over which other values? For example, suppose you're trying to decide whether to tell your friend that his or her sexual partner is HIV positive. Telling would be truthful, but since it would cause a lot of emotional pain, it would be quite hurtful. So what's more important, being truthful or not being hurtful? In this case, perhaps the conflict is easy to resolve simply because the consequences are so different in severity (see Section 4 regarding consequence-based ethical reasoning): if you don't tell, she or he may die.

2c Practice resolving conflicts of values

Each of the following presents arguments involving a conflict of values. Think very carefully about each one—which value should take precedence? Why? (That is, make an argument for the priority of that value.)

1. I know it'd be wrong to cheat on the final, but if I don't, I won't get into law school, and that would be a terrible disappointment to my parents—I owe them!

2. The death penalty is testament to our inability to forgive and our lack of compassion. It's also testament to our dedication to justice, personal responsibility, and respect for others' losses.

3. Of course it would be patriotic to enlist. But it would also be irrational. Why should I risk my life trying to kill people I do not know to have done wrong or even to be planning to do wrong? (And even if I *did* so know, I should go kill them? What wrong can they possibly have done or be planning to do that would justify their death—at my hands?)

4. Yes, I know I took a vow to be sexually faithful to you. But generosity is a virtue too!

5. Many people have encouraged me to have cosmetic surgery. And I do value beauty. But it's so unnatural, so artificial!

2d Practice making an ethical argument based on values

Consider something, an ethical issue, you're currently agonizing over. What values-based arguments can be constructed to support the various positions you might take?

3

Rights-based ethical reasoning

Rights-based ethical reasoning involves determining whether an action is right or wrong *according to whose and which rights are upheld or violated* by the act in question. Such rights might include the right to free speech, the right to own property, the right to vote, the right to be free from harm, the right to go wherever you want, and so on. In this case, the general principles would be something like "One should respect the right of others to . . ." or "This action is wrong because it violates this person's right to . . ."

3a Practice recognizing ethical arguments based on rights

Which of the following arguments involve an appeal to rights? (Identify the rights involved.)

1. On the one hand, I suppose children have a right to a happy and healthy childhood. Or at least maybe the right to grow up free of fear and injury. But on the other hand, if we don't spank them from time to time, they'll never

learn the consequences of their actions—don't they have a right to learn that? (And don't I have a responsibility to teach them that?) Plus, if they don't learn the consequences of their actions, they'll grow up to be monsters. Surely society has a right that that not happen.

2. I'm entitled to a passing grade. I came to every class. I did every assignment. I paid tuition.

3. The use of drugs during pregnancy (illegal drugs such as crack cocaine and heroin, as well as legal drugs such as alcohol, nicotine, and prescribed drugs to treat conditions such as cancer and epilepsy) can cause, in the newborn, excruciating pain, vomiting, inability to sleep, reluctance to feed, diarrhea leading to shock and death, severe anemia, growth retardation, mental retardation, central nervous system abnormalities, and malformations of the kidneys, intestines, head, and spinal cord. Exposure to tobacco, carbon monoxide, lead, alcohol, and infectious diseases can cause prenatal injury. Refusal of fetal therapy techniques (such as surgery, blood infusions, and vitamin regimens) can result in respiratory distress, and various genetic disorders and defects such as spina bifida and hydrocephalus.

   One is generally considered free to ingest whatever substances one wants as long as no harm to others is caused, but as Lynn Paltrow points out, "the biological event of conception transforms the woman from drug user into a drug trafficker or child abuser" (Lynn M. Paltrow, "When Becoming Pregnant is a Crime," *Criminal Justice Ethics*, 9.1, 1990). Drug-using men are also at fault to the extent the drugs affect the quality of their sperm. Furthermore, as Michelle Harrison points out, "men are not *required* to impregnate drug-addicted women" (Michelle Harrison, "Drug Addiction in Pregnancy: The Interface of Science, Emotion, and Social Policy," *Journal of Substance Abuse Treatment*, 8, 1991), so surely they are partly responsible then for such prenatal abuse.

4. Why doesn't the Roman Catholic Church allow women to be priests? Because men in the congregation wouldn't be able to concentrate on the service; they'd be distracted by the woman's body. Because it would put women in positions of authority over men—no can do. Because God is male. Because Jesus Christ is male. Because women are inferior to men, remember Eve was made out of Adam's rib.

5. *Shipley*: The public has a right to know! Knowledge should never be kept private.
   Germain: But what about the right to privacy? And the right to benefit from one's labor and one's investment—knowledge is the result of hard work, you know, and it often takes a lot of money to do the work!

Shipley: Okay, maybe it depends on what knowledge we're talking about.

Germain: Well, we were talking about the human genome research. Say one day I go for genetic testing, because they've got all the genes identified and everything, should my insurance company be able to find out what genetic diseases I'm predisposed to develop? They could raise my premiums. Is that fair?

Shipley: Well, more fair than *I* should pay for your unlucky genes, no?

Germain: Actually, I'm not so sure about that. Isn't the whole point of insurance to have a safety net for bad luck?

Shipley: Well many young men have the bad luck to be young men—they pay high car insurance rates because of it. The fact is young men cause most of the accidents. And if the fact is you're likely to develop a certain disease and need a lot of medical assistance . . .

Germain: But okay, what about more general genetic knowledge? If scientists can patent their discoveries, then not only will the cures for a lot of diseases take a lot longer to develop (because only a few people will have the knowledge to develop a cure) (and in the meantime a lot of people will die), but also, the cure, when it *is* developed, will cost a lot of money. So only the rich will be able to live.

When taking a rights-based approach to ethical decisions, one has to first decide what rights are involved—that is, *what rights do the parties involved have*? That usually depends on the basis for said rights. For example, some people suggest that we have certain rights just because we exist—we have *natural rights*. But why? Or rather, what evidence is there to support that? And is "we" to refer to just human beings? Insofar as "human rights" are invoked, it would seem so—in which case other sentient, intelligent animals have no rights at all?

Alternatively, some people suggest that our rights are *god-given*. This answer of course does not satisfy those who don't think there is a god. But even for those who do, it's a bit problematic: how do you know which rights this god has given you?

Yet another possibility is that rights are not automatically received or given, but are, instead, *acquired*. One might acquire certain rights by earning them. For example, one has a right to one's pay check if one has done the work agreed upon. Or one might acquire certain rights to the extent that one accepts certain responsibilities. For example, one might have a right to drive a car only as long as one accepts the responsibility of driving safely; one might have a right not to be harmed only as long as one refrains from harming others. Or one might acquire rights simply by being a member of a community, and the rights one acquires are those conducive to the maintenance of a good community (however that is defined).

Once you figure out what rights you have, and on what basis you have those rights, you have to figure out exactly what it means to have those rights. If you

have a right to property, does that mean that someone is obligated to give you property? Or does it just mean that they can't take it away once you have it? Often, being precise with language helps. For example, most people mistake "the right to X" with "the right to *pursue* X." For example, surely one doesn't have the right to a job or to happiness, but only the right to *apply for* a job or to *aspire to* happiness.

You also have to figure out whether those rights are *inalienable*. That is, can you ever lose a right? Generally speaking, natural rights and god-given rights are considered inalienable: no matter what you do, you always have your rights. Advocates of acquired rights, however, generally agree that rights are *not* inalienable; for example, if you drink while intoxicated, your right to drive is taken away. Likewise, if you kill someone, you forfeit your own right to be alive.

3b Practice thinking about rights

List five rights you think you have. (You might want to start with the "right to life"!) Then ask yourself these questions:

1. On what basis do you have each of those rights?
2. What exactly do you mean when you say you have each of those rights?
3. Can any of them be lost or taken away? If so, how?

One of the main problems with the rights-based approach is similar to that of the values-based approach: what happens when rights collide? That is, what if doing X upholds my right to A but it violates your right to B? Whose rights are more important, mine or yours? Or is the better question which rights are more important?

One possible approach to answering these questions is to revisit the basis for the rights in question; if one has a right to A because X and one has right to B because Y, and X is a more important end goal than Y, then the right to A would trump the right to B. This approach wouldn't work, however, for natural rights (those we have, just by virtue of our existence) as opposed to acquired rights (those we have to earn, by doing something).

3c Practice resolving conflicts of rights

Each of the following presents arguments involving a conflict of rights. Think very carefully about each one—whose or which right should take precedence? Why?

1. *Castans*: The decision of whether to abort or not is mine and mine alone. I have the right to say what happens in my body!
   Chevaril: And what about me? I'm the father! Don't I have any rights? And that child-to-be? Doesn't it have any rights?

Inezar: Hey, don't forget me! I'm going to have to live in the same society as your little brat—don't I have a say in whether that happens?

2. *Bettle*: I have a right to bear arms. It says so right in the constitution.
   Wexman: And I'd like to be able to walk down the street with my kids and not worry that one of them's going to get shot with a stray bullet! Don't we have a right to that much?

3. *Christos*: I'm sorry, but I just don't want to hire you. This is my business and I think I have the right to make my own hiring and firing decisions.
   Spanza: What about me! Don't I have a right to make a living?

4. People should be able to live wherever they want. Immigration and emigration policies violate that right. I can understand that countries have the right to do what's best for their own people, but still—

5. Why shouldn't homosexuals have the right to get married? Just because they can't have kids? But a lot of heterosexuals can't have kids and we don't deny them the right to get married. It violates your right not to be offended? You've got to be kidding.

3d Practice making an ethical argument based on rights

Reconsider the ethical issue you're currently agonizing over, the one you used for the last practice of the previous section. What rights-based arguments can be constructed for or against?

4

Consequence-based ethical reasoning

Consequence-based ethical reasoning involves determining whether an action is right or wrong *according to its consequences*. If a certain action will result in a good consequence, then it's the right thing to do; if it results in a bad consequence, it's the wrong thing to do. Those would be the overriding general principles.

4a Practice recognizing ethical arguments based on consequences

Which of the following arguments involve an appeal to consequences?

1. Rev. Thomas E. Trask, the superintendent of the Michigan District of the Assemblies of God, told me how in those early days he caught Oral using a "plant" in a wheel chair who would pop up on Roberts' healing command. The faith healer explained the deception to Rev. Trask this way: "Why, this kind of thing just stimulates faith."

   (Austin Miles, *Setting the Captives Free*, 1990)

2. Would the machismo of [the] Catholic culture flourish if God was addressed as Madre as well as Padre? Would a Catholic man be so ready to raise a

hand to slap his wife if he had seen the hands of women lift up the body and blood of Christ at the altar? Would Catholic soldiers in places like Bosnia or Rwanda consider the rape of women just another act of war if they knelt in confession before the female face of God as presented by a woman priest?

(Joanna Manning, *Is the Pope Catholic?*, 1990)

3. Entrepreneurs believe than when you borrow money, you ought to pay it back. . . . Harvard law professor Elizabeth Warren, a bankruptcy expert, has long argued that America's entrepreneurial spirit is embedded in the concept that we, as a society, treat risk takers charitably when they fail. Reweighting the system in favor of creditors could diminish that spirit, she warns. . . . "Many successful entrepreneurs suffered failures before they made it big," Warren notes. "They learned, they paid what they could, and they tried again. This bill [passed by Congress in March 2005 to help creditors recover more debt when entrepreneurs declare bankruptcy] is designed to make it much harder to try again."

(Mike Hofman "Capital Brief," *Inc. Magazine* May 2005)

4. Consider also "dumping"—selling a product in a foreign market at a lower price than in the home market, a price that doesn't cover export costs. Many people consider dumping to be morally wrong because it damages competition and hurts workers in the other country. In fact, it can be illegal if it reduces competition. But since when is competition more important than people? What if the product is much needed and at "competitive prices" unaffordable to many? Wouldn't the *right* thing be to sell it at that low price, to "dump" it?

   Of course, that's a consequentialist analysis. An analysis of intent may render a different judgment: if your reason for dumping were to enter and capture a market—get in with low prices, get people wanting your product, then increase the price—perhaps dumping is *not* the right thing to do. Let's expand this analysis: why are you interacting with other countries in the first place? To escape home tax laws? Labour laws? Environmental laws? Safety laws? Well, without the tax advantages, the cheaper labour, and the lenient standards, you say, I'd have no reason to go to other countries. Hm. You can't think of any reasons other than those of self-advantage? Well, what's wrong with self-advantage as long as you do no harm to others? But aren't you doing harm by avoiding those taxes, by doing more environmental damage than you would in your own country?

5. Because conventional cars and trucks create significant emissions, the use of electric vehicles sounds like a good way to combat air pollution. But because producing electricity also creates pollution, electric vehicles do not

> eliminate emissions—they simply move them elsewhere. Unless this electricity comes from nuclear power plants (neither environmentally acceptable nor economically feasible right now) or renewable sources (unlikely to be sufficient), the power to propel electric vehicles will come from burning fossil fuels. But using fossil fuels to power electric vehicles is doubly pernicious. The fuel loses up to 65% of its energy when it is burned to produce electricity; 5 to 10 percent of what is left is lost in transmitting and distributing the electricity before it even gets to the electric car.
>
> (Richard de Neufville et al., "The Electric Car Unplugged," *Technology* Review, 99.1 (Jan 1996)

Of course, in order to use this approach, one would have to define "good consequence" and "bad consequence." A common definition invokes concepts of pain and pleasure, both broadly defined to include more than just physical pains and pleasures. Other possible criteria of goodness include the concepts of happiness, well-being, and benefit.

4b Practice thinking about good and bad consequences

List five morally good and five morally bad consequences of an imagined action. On what basis are you identifying the consequences as good or bad?

One of the strengths of the consequence-based approach to ethical reasoning is that it seems to encourage comparison, consideration of alternatives. One often will have to ask "Which act will result in the *best* consequences?" And in order to answer that question, one might look to Jeremy Bentham, an 18th-century philosopher who is credited with developing *utilitarianism*, a systematic approach to ethical reasoning that defines morally right acts as those which result in *the greatest good for the greatest number of all involved*. So how did he determine what would provide the greatest good for the greatest number? Well, he developed a sort of "hedonistic calculus," by which each act is assigned a number of "hedons" according to the pleasure or pain it will bring about, measured by *the intensity*, *duration*, *certainty*, *propinquity*, *fecundity*, *purity*, and *extent* of said pleasure or pain. You can see how, with consideration of duration, fecundity, and extent, this approach takes a long-term, far-reaching view, and that view is one in which everyone involved or affected counts equally.

One of the problems with consequence-based reasoning is that the consequences are not always easy to determine. The hedonistic calculus, if one should use that approach, sounds simple and straightforward, but just try to use it! First, a prediction is involved, and we can never know the future with certainty. Second, many actions have far-reaching consequences—far-reaching in time as well as in scope. How can we determine who will be affected, let alone how much pleasure

each person might experience, how intense that pleasure will be, how pure it will be, and so on?

That said, sometimes the decision *can* be simple and straightforward: cutting down the last remaining shade tree may provide firewood for a week, but it'll take over a hundred years for a replacement to grow and, in the meantime, shade and habitats will be lost. The consequent pleasure of cutting down the tree may be intense and certain, but it is of short duration and extent (affecting only one person); the consequent pain, however, is almost as intense, equally certain, of a far longer duration, of greater fecundity (it will set off a number of chain reactions, causing other lacks), and of greater extent (so many people and other animals will be affected). So, overall, cutting down that last remaining shade tree will result in a negative value; letting it stand will result in the greater good—and is, therefore, according to this approach, the morally right thing to do.

4c Practice using the hedonistic calculus

For each of the following ethical decisions, use the hedonistic calculus to determine which course of action would be the best (the one that will provide the greatest good for the greatest number of all involved):

1. Well, I can either go out tonight or stay in and do my critical thinking homework.
2. I can walk, run, bike, take the bus, take the subway, drive a compact car, or drive an SUV to school/work.
3. We should ban deer hunting, or we can continue to allow it on a limited basis (setting a maximum with regard to how many deer can be killed per year, as well as how many of what age and what sex, and restricting it to certain times of the year and certain areas), or we can allow it without limitation.
4. We could legalize marijuana, perhaps at least for medicinal use (that is, for people undergoing chemotherapy), or we could keep it illegal.
5. You think it's wrong to give money to those on the street who ask for it. I think it's right. I think it's wrong *not* to give.

Another problem with using only a consequence-based approach is that *intent is irrelevant*. Consider Person A who kills someone accidentally and Person B who kills someone with deliberate intent. Since the consequence is the same in each case, the actions are equally wrong, and the two people equally bad. The rights-based approach doesn't take intent into account either: in both cases, the same right to life would have been violated. However, the values-based approach could consider intent by assigning value to "good-heartedness" or something like that, in which case Person A would be morally better than Person B, or by measuring the intent as well as the action (for example, did the person intend to be compassionate, beneficent, and so on).

Yet another problem with consequence-based reasoning is that "the end justifies the means"—it doesn't matter *how* you bring about a good consequence, only that the consequence is indeed good. So if saving ten people requires that you kill one, that's okay (assuming that the overall good of saving the ten was greater than the overall bad of killing the one—perhaps it depends on who the 11 people are . . .). This is the reasoning that supports many a decision to go to war: a certain number of people are almost certainly going to be killed in order to save the rest of the country, presumably. This reasoning could also be used to justify killing one person for his/her body parts, so ten other people could live as a result of the consequent transplants . . .

Despite the forementioned problems, unlike values-based and rights-based approaches, the consequence-based approach provides, at least in theory, a clear way out of moral conflicts: all you have to do is figure out which act leads to the greatest good (for the greatest number, of all involved/affected).

4d Practice making an ethical argument based on consequences

Reconsider once more the ethical issue you're currently agonizing over, the one used for the last practice of the previous two sections. What consequence-based arguments can be constructed for or against?

5

Errors in ethical reasoning

Most errors in reasoning about ethical issues are those made in reasoning about other issues, but the is/ought fallacy is unique to ethical issues and the arbitrary line fallacy is perhaps more often invoked when arguing about ethical issues than when arguing about other issues.

5.1 The is/ought fallacy

When one derives "ought" from "is"—when one says that something *ought* to be the case because it *is* the case—one is committing the is/ought fallacy. Why is it a fallacy? Well, just because something *is* the case, that doesn't mean it *should* be the case. Just because we do something, it doesn't follow that we should do it. For example, an angry person may lose his/her temper and hit someone. Surely we wouldn't conclude that they therefore *should* lose their temper and hit someone? Whether something is the case is irrelevant to whether it should be the case.

The is/ought fallacy is also called the *fact-value fallacy*: you assume that a fact (the ways things actually are) implies a value (that they should be that way). But, again, *that* tornadoes destroy trailer parks doesn't imply that they *should*.

(There may be good reasons for the conclusion that they should, but that they do is not one of them.)

This fallacy is also called the *naturalistic fallacy*: you assume that the ways things are naturally is the way they should be. Many people are by nature greedy—so does that mean it's morally right that they are greedy? This form of the fallacy implies that we should just "let nature take its course." But why? Why should "nature" get some "right of way"? Given that nature is just biochemical stuff subject to laws of physic, why should what happens that way be regarded as more "right" than what happens as a result of conscious, deliberating, moral-motivated thought?

People who believe that some supernatural being has created the world tend to make this error; if nature or reality is as it is because that's the way that supernatural being created it, then it makes sense to believe that it is right as it is (and, conversely, that anything that goes against nature, whatever that might mean, is wrong). The notion of free will, however, calls that view into question. So do our many routine interventions in the way things are, from living in houses to saving a drowning person.

Perhaps a noteworthy error of this type is the argument that homosexuality is morally wrong because it is unnatural. Quite apart from the fact that homosexuality is natural for homosexuals, the argument assumes, mistakenly, that whatever is natural is morally right. Another very common instance is the anti-euthanasia argument that claims that we should just let nature take its course. If that were the case, we shouldn't provide any painkillers either; we should just let the natural endorphins do their thing.

5.1a Practice recognizing the is/ought fallacy

Which of the following arguments contain the is/ought fallacy? Where applicable, recraft the argument so it is error-free.

1. We have a natural will to survive, so suicide is wrong.

2. Give it up! Men are dominant by nature! You'll never change that! So go back to your kitchen and let us run the world.

3. It is wrong for schools to buy expensive sports equipment, such as for football, and build swimming pools and what have you when those same schools are using outdated books. Quite apart from the mixed up priorities, how many students use the equipment compared to how many use books?

4. There will always be poverty. That's just part of life.

5. If we were meant to fly, we'd have wings. (I suspect someone said this to the Wright brothers.)

5.1b More practice with the is/ought fallacy

Write three arguments that involve the is/ought fallacy. Where applicable, rewrite your three arguments so they're error-free.

5.2 The arbitrary line fallacy

As mentioned above, while not limited to ethical arguments, this fallacy is perhaps most common in ethical arguments. The error consists in concluding that since the line between L and M, two points close together on some continuum, is arbitrary, there being no significant difference between the two, there is no justification for differentiating between D and W, two points considerably further apart. For example, one might argue that the line between the first trimester and second trimester of a pregnancy is arbitrary: there is no real difference between the developing human being at 12 weeks and the developing human being at 12 weeks and a day. True enough. However, to conclude that what applies to the 8-month-old fetus (perhaps that it is morally wrong to stop its development) is also applicable to the 2-day-old fertilized egg is mistaken, since there are many and clear differences between a 3-month-old fetus and a 2-day-old fertilized egg. Just because we draw an arbitrary line somewhere, it doesn't follow that it's not a line worth drawing. It may well separate points, such as D and W, that *are* significantly different.

Note that the error does not occur when one argues that there is no significant difference between the points immediately on each side of the line: the line *is* arbitrary; there is usually no question about that. The error occurs when one argues that because the line is arbitrary, there is no significant difference between any points on either side of it.

I'm not sure why we make this error. Perhaps there is a similarity between this error and the slippery slope error (see Section 8.4.7): in both cases, we're avoiding the difficulty of making distinctions. Or perhaps we're avoiding the determination of a multitude of lines, different lines for different purposes; perhaps we're trying to simplify something that is extremely complex.

Whenever you hear someone say something like "Yeah, but where do you draw the line?" be alert for this error. That person may be suggesting that drawing a line is impossible or at best arbitrary and therefore that any distinction on the continuum is unjustified. But as explained, while the differences between points near the line may be small, the differences between points further apart may not be. Not all cases on a continuum are borderline cases.

5.2a Practice recognizing the arbitrary line fallacy

Which of the following arguments contain the arbitrary line fallacy? Where applicable, recraft the argument so it is error-free.

1. The whole old age pension thing should be scrapped. I mean, really, what's the difference between being 65 and 66?

2. I don't see why I can't get a driver's license now. I'm not going to suddenly be a better driver a month from now on my sixteenth birthday.

3. There's no real difference between a 49 and a 50, but the one is a fail and the other is a pass. That's so stupid. If there's no difference between a 49 and a 50, there's no real difference between a fail and a pass, so we should just toss out the pass/fail distinction altogether.

4. We have to draw a line somewhere. We can't keep letting people into our country, no matter how badly off they are in their native country. I sympathize for them, I really do, but there's only so much we can absorb before our own standard of living starts to decline.

5. Men have larger brains than women, therefore they are superior to women. (19th-century belief)

5.2b More practice with the arbitrary line fallacy

Write three arguments that involve the arbitrary line fallacy. Where applicable, rewrite your three arguments so they're error-free.

Review of terms

Define the following terms:

- **ethics**
- **morality**
- **values-based ethical reasoning**
- **rights-based ethical reasoning**
- **consequence-based ethical reasoning**
- **hedonistic calculus**
- **is/ought fallacy**
- **arbitrary line fallacy**

Thinking critically about what you see

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Thinking critically about what you hear

How Ethical Are You? Take The Ethics Guy's Quiz on CNN

http://www.youtube.com/watch?v=Lhwhgf01Ozw&feature=related

Thinking critically about what you read

Think critically about each of the following, applying everything you've learned in this course!

1. I'm so sick and tired of complaints about the salaries of professional athletes. They deserve every penny they make. Lottery winners also get millions and they don't do anything! At least the athletes work hard, they sweat, they tear muscles, they get hit. And they work hard for years before they even get to pro. Like doctors and lawyers

who put themselves through school and work hard for years, they should expect to make the big bucks once they get to the professional level. Professional athletes also risk injury—shouldn't they be compensated for that risk? And an athlete's career is over by the time he hits 40. So they have to make a lifetime's income in just 10 or 15 years. Lastly, it's all supply and demand: if thousands of people want to pay a couple hundred each to see these guys play, why shouldn't they get that money?

2. According to a story on CNN.com (October 16, 2005) a Long Island, New York principal cancelled the prom because of "prom-night debauchery" involving a rented party house in the Hamptons (costing $20,000), pre-prom cocktail parties, a liquor-loaded limo, and a late-night "booze cruise" (on a boat chartered by students' parents).

   However, his letter to the parents presented a somewhat different rationale: "It is not primarily the sex/booze/drugs that surround this event, as problematic as they might be; it is rather the flaunting of affluence, assuming exaggerated expenses, a pursuit of vanity for vanity's sake—in a word, financial decadence . . . Each year it gets worse—becomes more exaggerated, more expensive, more emotionally traumatic . . ."

   A student responded by saying, "I don't think it's fair, obviously, that they canceled the prom . . . There are problems with the prom, but I don't think their reasons or the actions they took solved anything." One parent who disagreed with the principal's decision said "This is my fourth child to go through Kellenberg and I don't think they have a right to judge what goes on after the prom . . . They put everybody in the category of drinkers and drug addicts. I don't believe that's the right thing to do."

3. Many would argue that if it was wrong to take race or sex into account in the past, we called it racism and sexism, then it's wrong to take it into account now, as in the case of various affirmative action programs. But Richard Wasserstrom argues otherwise: it's not fair to compare then and now because the social realities are different. Then, to favor the white male was to maintain and augment the dominant group, but now to favor the black female is *not* to maintain and augment the dominant group (which is still the white male).

   But it seems to me that affirmative action programs are still wrong because they don't take merit into account. Whoever is the best person for the job should be hired, regardless of race, whatever that is, and sex, even that is apparently not as clearcut as we once thought, *and* regardless of the social realities. If it just so happens that white males tend to be the best people for the job, so be it.

4. Of course it's a matter of opinion. But my opinion is better than yours. You say homosexuality undermines the family. I agree, of course, that homosexual sex doesn't result in a child, but how does not making a family *undermine* family? Every time I don't do something you do, do I *undermine* whatever it is you do? No! I just don't do the same thing, I just don't make the same choice.

Besides, a lot of sex doesn't result in a child—is it all evil sex then? Are you saying that every time you have sex, you are trying to create a child? If so, then either you're going to have sex only a few times in your life or you're going to have to support as many kids as your poor wife can bear. I hear women can go through a dozen pregnancies before they up and die. 'Course then, I suppose it would be your moral obligation to remarry, and have another dozen. What line of work are you in that you can feed and clothe 20 kids? And what about all that emotional quality time a good parent should spend with their kids? Seems to me the more kids you have, the worse parent you'll be, able to provide less and less per child. And if everyone did that as you're suggesting, well, we'd be bulging at the seams, like China or India or something. Besides, I'm not so sure family is a good thing. You say it's the foundation of our society, well no wonder we're still a patriarchy: a man's home is his castle and his wife and kids are his servants.

5. According to Ziauddin Sardar (*Adbusters* 13.1), America constitutes 3 percent of the world's population but consumes 25 percent of its energy and produces 30 percent of its pollution. The three richest Americans have assets exceeding the combined gross domestic products of the 48 least-developed countries. Americans spend $8 billion on cosmetics, almost as much on pet food, and $10 billion a year on pornography—more than the estimated total needed to provide clean water, safe sewers, and basic health care to the world's poor. You say, "Yeah, well, who's to say what's right or wrong?" "Me," I'll say. And I say this is so clearly morally wrong!

6. It has come to our attention that some employees are unhappy about our new employee drug-testing policy. We at ABC Manufacturing would like to offer the following explanation in the hope that it will alleviate any concern the new policy has caused.

   While we respect employees' right to privacy, we believe that employees also have the right not to be harmed on the job, and it is in the interests of employee safety that we will be requesting and testing urine samples for drugs. We are considering the consequences, as any responsible business must do.

   We also respect employees' freedom to conduct their private lives as they see fit, but we would be remiss not to recognize that drugs taken while on personal time may affect employee performance while on company time. While we do have a right to know, our intent is not to uncover illegal activity; we recognize that many prescribed drugs have an equally detrimental effect on performance as illegal drugs and we will be testing for both.

   We also have a right to our employees' very best performance and we are proud of the work our employees have done to date. However, as we also have the right to maximize our profit, we will be requiring not only that employees submit to regular testing for performance-inhibiting drugs, but also, following the lead taken by those in the business of professional sports, wherein athletes—employees—are required to follow a strict diet of nutrients, we will be requiring that employees incorporate the use of performance-enhancing drugs into their work regimen.

Employees are, of course, free to withhold consent, and we would like to take this opportunity to wish such employees the best in their future employment endeavors.

Sincerely,
Management

7. I come back to a fundamental question. Do the elderly have an unlimited medical claim on public resources? No, they have only a reasonable and thus limited claim. What is a "reasonable" claim? I take it to be a claim to live a long life with public support, but not indefinitely long, and not at the price of potential harm to others. If we can agree with that proposition, then a "natural life span" is one that is highly useful—though admittedly not precise—allowing us a way of talking about what should count as a premature death, and as the basis for a claim on the public purse. It will surely work better than, say, "individual need," which is subject to technological escalation and intractable subjective desires. If we agree, for instance, that the preservation of life is a basic medical need, then in the nature of the case with the aging person there are no necessary limits at all, scientific or economic, to what can be done to achieve that goal. To be sure, any specific age to invoke as a limit will be arbitrary, but not necessarily capricious. That was true of age 65 when Medicare was established. It could have been 66 or 64. The point is that it was within a generally acceptable range of choices, and that is sufficient for fair public policy.

   . . .

   Still another criticism might, for lack of a better name, be called the repugnance argument. It takes a number of forms. One of them is that we would find it repugnant to deny reimbursement to someone for a form of care that would clearly save that person's life; we could not just stand by and let the person die for lack of money. Another form is that, however nice my theory of justice between age groups, it would *look* like we were devaluing the worth of the elderly if we used age as an exclusive standard for denying care; we would find that hard to stand.

   I agree that most people would find these consequences of an age limit repugnant. But again we are left with a dilemma, indeed more than one. What will we do about the repugnance that could well result from seeing a larger and larger, and even more disproportionate, share of resources going to the elderly while the needs of younger groups are going unmet? Or placing heavier and heavier economic burdens on the young to sustain the old? If we leave all choices about resource allocation to doctors and families at the bedside, what will we do about the repugnance regarding the variations in treatment that method will bring, with some getting too much treatment and others getting too little? If we find the open use of an age limit repugnant, will we feel better about a covert use, one that could be forced by a shortage of money?

(Daniel Callahan, "Setting Limits: A Response,"
The Gerontologist, 34(3) (June 1994)

8. Sexual harassment is most commonly understood as a direct proposition from a superior with firing the penalty for refusal. Termination is not however the only penalty that is inflicted on women by sexual harassment and their response to it. Others include: negative job evaluations; poor personnel recommendations; denial of overtime; demotions; injurious or undesired transfers; reassignment to less desirable shifts, hours or locations of work; loss of job training; and being subjected to impossible performance standards.

   The situation is just as serious when the harassment comes from co-workers. Peers can exert tremendous power over a woman's ability to remain on the job. They can sabotage work directly and indirectly. Even absent such overt undermining efforts, they can render the work environment so tense and intolerable or even hostile as to force a woman to leave the job.

   Clients and customers are unfortunately also a frequent source of sexual harassment. This is often caused by an explicit requirement by the employer that a woman wear revealing clothing or that she acquiesce in the permissive environment of the workplace. Harassment from this quarter is similar in its impact to that from coworkers. The work environment becomes increasingly stressful and degrading, thus interfering with a woman's job performance and often resulting in her departure from the job.

   Sexual harassment thus impedes women's equal and employment opportunity in direct and indirect ways. Directly, by conditioning advancement or continued employment on accepting explicit propositions for sexual compliance. Indirectly, through either denying women work opportunities based on the belief that they are sexual objects and therefore not real workers; or actively impeding them in the performance of their jobs through noncooperation, sabotage or the creation of an anti-woman work environment.

   (Karen Sauvigne, "Sexual Harassment and the Need for Legal Remedies," from Statement Submitted to Committee on labor and Human Resources, United States Senate, *Hearings on Sexual Discrimination in the Workplace*, 97th Congress, 1st Session, April 21, 1981)

9. There's nothing wrong with downloading music from the internet. First, everyone does it, and second, it's not like you're taking something—after you download, the song's still there, it's not like taking someone's car. Some people say downloading music from the internet isn't fair because the musicians don't get paid when you download, but you're paying for the internet connection—why should you have to pay twice? *That's* not fair! And people say that if everyone does it, sales of CDs will decrease, and then since there'll be no money in making CDs, the record companies will stop doing it. But everyone's not doing it, so CD sales won't decrease. And actually, a friend of mine told me that after their band put one of their songs on their website, sales of their CD increased! Lastly, downloading is legal; anything that's morally acceptable is legal; so downloading must be morally acceptable. People should stop worrying about this stuff and go after the *real* criminals!

10. A bill in Congress would offer federal grants to encourage researchers to destroy new human embryos from fertility clinics for their stem cells.

    Such killing in the name of "progress" crosses a fundamental moral line. Government has no business forcing taxpayers to subsidize the destruction of innocent human life. President Clinton's National Bioethics Advisory Commission conceded that human embryos "deserve respect as a form of human life." How does it show respect to treat human lives as mere crops for harvesting?

    Those who say these embryos "would be discarded anyway" are wrong. Embryos that couples want discarded are barred from being used in research. In fact, many couples who initially chose to discard their "excess" embryos have later changed their minds and let them survive. But now, government-funded researchers would reach in and destroy these young lives before that can happen.

    This bill would lead to much killing that would not otherwise happen. And since all the "spare" embryos available for research cannot provide enough stem cells to treat any major disease, the proposed law would inevitably lead to creating human lives in the laboratory solely to destroy them.

    That hope of treating disease is the driving force behind this bill. Yet the "promise" of embryonic stem cell research has been exaggerated. The journal *Science* last week published a warning by Stanford University experts that "it is nearly certain that the clinical benefits of the research are years or maybe decades away." They added: "This is a message that desperate families and patients will not want to hear." But they need to hear it. They were led to support this unethical research by hyped promises of miracle cures.

    Stem cells from umbilical-cord blood and adult tissues, posing no moral problem, have advanced quickly toward treating juvenile diabetes, Parkinson's disease, spinal cord injury, sickle-cell anemia, cardiac damage and other conditions. The fixation on destroying embryos has diverted resources away from more promising therapies, and therefore ill serves suffering patients as well as embryonic human beings. Congress should reject this bill and support promising medical research that all Americans can live with.

    (Cardinal William H. Keeler, "Killing Embryos not Progress,". posted to *USA Today* at: http://www.usatoday.com/news/opinion/editorials/2005-05-23-oppose_x.htm?POE=click-refer, May 23, 2005)

Thinking critically about what you write

Write a position paper on some ethical issue. That is, think very carefully about some issue and develop a strong argument for a specific position on the issue. Convey your argument in a short paper of at least 1,000 words. Be sure to anticipate and reply to potential objections to your argument. Be sure your paper is clear and coherent; articulate every step of your argument and every connection between all the steps.

Thinking critically when you discuss

Engage in a discussion about some ethical issue.

Suggestion: Discussing ethical issues sometimes requires more care than discussing other issues. That's probably because (hopefully) you run your life according to your ethical principles, so when someone criticizes your ethical principles, they're criticizing the way you run your life. (Actually, they're probably just defending the way they run theirs—the fact that you run yours differently suggests they might be wrong.) (Which of course is not necessarily the case: don't forget the false dichotomy fallacy—it doesn't have to be either/or. It could be that *both* ways are okay.) (Then again, it could be that both ways are wrong.) And that criticism can be hard to take. But, you can deal with that on your own. Remember that you're "just" presenting positions here. You don't have to defend your*self* in class, just try to defend the *position*. No one has to know which position you most support. (In fact, *you* don't even have to know. You may *not* know. You may well change your position, several times, as you think of or become aware of various arguments.)

Reasoning test questions

As mentioned in Chapter 5, the GRE no longer has multiple-choice questions that test logical reasoning. Instead, there is an "Analytical Writing Section" which consists of two essay writing tasks, each scored on a scale of six: a 45-minute "Present Your Perspective on an Issue" task and a 30-minute "Analyze an Argument" task. Details are available at the ETS website (www.ets.org); download "An Introduction to the Analytical Writing Section of the GRE General Test" (it's free).

According to the "Introduction," the "Analyze an Argument" task "assesses your ability to understand, analyze, and evaluate an argument and to clearly convey your analysis in writing." See the section titled "Understanding the Argument Task" for details about how you are expected to go about doing that! (You might want to do that before you proceed here.)

The following is a sample prompt for the GRE "Analyze an Argument" task; these are the only instructions you're given. Go ahead and see how you do!

> Discuss how well reasoned you find this argument.
>
> Hospital statistics regarding people who go to the emergency room after roller-skating accidents indicate the need for more protective equipment. Within this group of people, 75 percent of those who had accidents in streets or parking lots were not wearing any protective clothing (helmets, knee pads, etc.) or any light-reflecting material (clip-on lights, glow-in-the-dark writs pads, etc.). Clearly, these statistics indicate that by investing in high-quality protective gear and reflective equipment, roller skaters will greatly reduce their risk of being severely injured in an accident.