Chapter Two

Determining Moral Behavior

Quote

“Integrity is doing the right thing—even if nobody is watching”
- Unknown

Analyzing Ethical Dilemmas

- 1 - Identify the facts
- 2 - Identify relevant values and concepts
- 3 - Identify the possible choices one might make
- 4 - Analyze the choices under an ethical system
An ethical system is a moral theory or basic set of principles of right and wrong. Each of us has an opinion about social issues—abortion, adultery, and capital punishment. We usually do not make decisions about right or wrong haphazardly or arbitrarily. We all have moral or ethical systems that help us make decisions regarding specific behavior.

**Ethical Systems**

- Source of moral beliefs.
- The underlying premises from which you make judgments
- Are beyond argument
- Are internally consistent
- Possess a type of “moral common sense”
  - They can be defined (Harris) as “the systematic ordering of moral principles”

**Ethical System - Characteristics (II)**

- Prescriptive
- Authoritative
- Logically impartial or universal
- Not self-serving
  - Baelz (1977:19)
**Ethical Pyramid**

A woman who goes out drinking leaving her children at home is bad.

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**Ethical Systems**

- **Deontological Ethical Systems (Motivation Matters)**
  - Concerned solely with the inherent nature of the act being judged.
  - Some acts are inherently good; Others are inherently bad.
  - Consequences of the act are irrelevant.
  - If an act is inherently good, then even if it results in bad consequences, it is still considered good.
  - Example: Charity is a moral act. Giving money to a poor person is morally correct. If the poor person buys drugs with the money, the original act of charity is still moral.

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**Ethical Systems (cont.’d)**

- **Teleological Ethical Systems (Results Matter)**
  - An act is “good” or “bad” depending on the results it brings about.
  - Judges the consequences of an act.
  - The phrase “the end justify the means” is teleological.
  - Example: An act of charity might not be moral. If drug abuse is an immoral consequence, and an act of charity supports drug abuse, the act of charity could be considered immoral.
7 Basic Ethical Systems

- Ethical Formalism
- Utilitarianism
- Religious
- Natural Law
- Ethics of Virtue
- Ethics of Care
- Egoism

Ethical Formalism/Absolutism

- Based on the philosophy of Immanuel Kant (1724-1804)
- Judges the act, not the consequence (Deontological)
  - Good will (motivation) is the only thing that is intrinsically good
    - Actions are considered moral only if the person acts out of a sense of good will or intent
  - Duty is required behavior. It is self-imposed and necessary to morality
    - Doing one's duty is considered moral

Ethical Formalism

- Two kinds of imperatives (commands) drive human behavior
  - Hypothetical Imperatives
    - Drives us to achieve certain ends
    - Are consequential in nature
    - Are neither moral or immoral
    - E.g. - If I want to be a success, I must do well in school
  - Categorical Imperatives
    - Commands action that is necessary without any reference to intended purposes or consequences
      - Focuses on the why (intent), not the result
How to meet the requirements of the categorical imperative (I)

1) Act only on that maxim through which you can at the same time will that it become a universal law
   - What is good for one, must be good for all

How to meet the requirements of the categorical imperative (II)

2) Act in such a way that you always treat humanity, whether in your own person, or that of any other, never simply as means but always at the same time as an end
   - One should not use people for one's own purposes

How to meet the requirements of the categorical imperative (III)

3) Act as if you were, through your maxims, a lawmaking member of a kingdom of ends
   - Individual's actions should contribute to and be consistent with universal law
   - Laws should be self-imposed rather than imposed form the outside
Kant-Ethical Formalism

- Kant believed that you can’t control/predict consequences, only actions
- He distinguishes untruths from lies with the explanation that: **A lie is only a lie when the recipient is led to believe or has a right to believe that he or she is being told the truth.**

Criticisms of Ethical Formalism

- The **wording of maxims** is critical in ethical formalism; could lead to confusion or abuse
  - “lies” vs. “untruths”
- May not apply to extreme circumstances
  - If an action is wrong, it is always wrong, regardless of the good consequences that might result
    - (Good people may be judged unethical by one decision under unique circumstances without regard for the outcome)
- It does not provide guidance for resolving conflicting duties
- Duty may be unclear
- It can be used to justify a position after it has been adopted, but it may give little help in forming a position

Utilitarianism (Teleological)

- Based on the philosophies of Jeremy Bentham (1748-1832)
- An actions morality depends on how much it contributes to the overall good of society
  - Humans are **hedonistic**
    - They seek to maximize pleasure and minimize pain
    - An ethical system should be consistent with this
**Utilitarianism (Teleological)**

- Thus, if an act benefits many people and causes pain to a few, it is still good because:
  - “the greatest good for the greatest number” is more important than the pain of a smaller number

**Act Utilitarianism**

- **Act Utilitarianism** specifies that the morality of each decision to be determined one by one, considering the potential consequences of each act
  - An act can be “calculated” as good or bad based on the total good it produces vs. the total pain it causes
  - If total benefit (good) exceeds total liability (pain or loss), then the act is good

**Rule Utilitarianism**

- **Rule Utilitarianism** specifies that the morality of an action be determined based on the moral precedent (or rule) that it sets; focuses on the long term consequences of a decision
  - If a principle were to become a universal rule in society, what would the social consequences be?
Utilitarianism

- Would it be morally right to steal the drugs for your wife under this system?
  - Yes & No
- Act Utilitarian would probably support stealing the drugs because the wife's survival would outweigh the loss to the druggist. The greater utility of the theft would lead to a judgment that it was moral.
- Rule Utilitarian would be concerned with the effect that the action would have if made into a rule for behavior—anytime a person could not afford a drug he or she could steal it would result in a state of lawlessness and a greater disrespect for the law.

Criticisms of Utilitarianism

- Does not judge the relative weight of utility
  - Pleasure is good regardless of source
    - Vice vs. Virtue
- Presumes that you can predict consequences
- Does not value rights of the individual
  - How can an ethical system be supported if it is not just of fair?

Religion

- Most frequent source of individual ethics
- Provides moral guidelines and directions on how to live one's life (subject to man's interpretation of God's/gods' will)
- There are thousands of religions in the World (eight major ones)
  - Judaism, Hinduism, Buddhism, Taoism, Confucianism, Shinto, Christianity, Islam.
“The Golden Rule”
- Christianity - “Do unto others as you would have them do unto you.”
- Hinduism - “Do naught to others which, if done to thee, would cause thee pain.”
- Buddhism - “In five ways should a clansman minister to his friends and familiars ... by treating them as he would treat himself.”
- Confucianism - “What you do not want done to yourself, do not do unto others.”
- Judaism - “Whatsoever thou wouldest that man should not do unto thee, do not do that to them.”

Religious Ethics
- Despite their differing interpretations and teachings, religious ethics have several common tenants
  - God (however defined and named) is the source for morality
  - God’s will is not to be questioned, but followed faithfully

Criticism of Religious Ethics
- Determining how to interpret what God’s will is not a straightforward task
  - Much conflict exists within and between religions as to what particular behaviors are considered moral
    - People hold different opinions about which religion is the “true” religion
    - People within religions often disagree on how to interpret its principles
    - Many religious principles are based on revelation as opposed to logic
    - Religious controversies are often difficult to resolve
**Natural Law**

- A universal set of rights and wrongs (similar to many religious beliefs) that do not come from a specific supernatural figure. *(No God Figure)*
- No difference between physical laws (such as the law of gravity) and moral laws
- What is good is natural and what is natural is good
  - The morality of an action is determined by whether or not that action follows the natural order of things

**Natural Law Philosophers**

- Thomas Hobbes (1588-1679)
  - Self-preservation is paramount (law of the jungle)
- John Locke (1632-1704)
  - Believed that society was originally engaged in a "war of all against all"
  - Individuals then gave up the freedom to aggress against others in return for their own safety--aka Social Contract Theory (basis for government)

**Criticisms of Natural Law**

- How does one determine the natural order of the universe?
- How do we determine if the acts are consistent with the natural order of the universe?
- Who determines it?
Heinz - Natural Law System

- If we apply the Natural Law Ethical System to the Heinz Case how would the Natural Law System deal with Heinz?
- Natural Law Ethics would support stealing the drug because one could see that it would be a natural response to help a loved one and keep that person healthy and prevent one from dying.

The Ethics of Virtue (Teleological)

- Based on the philosophy of Aristotle (384-322 BC)
  - Good moral character is developed through moral behavior or habit
  - The “golden mean” defines virtues as the median between two extremes of character (moral people strive for the golden mean)
  - A person’s morality is based on the virtue they possess
    - Moral people act morally—immoral people don’t

The Ethics of Virtue (Teleological)

- The Ethics of Virtue asks the question “What is a good person?” vice “What is a good act?”
- Rejects the use of reason to discover what is good
- “To be good, one must do good”
  - It is concerned with acting in such a way as to achieve a good end.
  - The more one practices moral virtues, the more virtuous one becomes
### Catalog of Virtues

<table>
<thead>
<tr>
<th>AREA</th>
<th>DEFECT</th>
<th>MEAN</th>
<th>EXCESS</th>
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<tbody>
<tr>
<td>Fear</td>
<td>Cowardice</td>
<td>Courage</td>
<td>Recklessness</td>
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<td>Pleasure</td>
<td>Insensitivity</td>
<td>Self-Control</td>
<td>Self-indulgence</td>
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<td>Money</td>
<td>Stinginess</td>
<td>Generosity</td>
<td>Extravagance</td>
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<td>Honor</td>
<td>Small-minded</td>
<td>High-minded</td>
<td>Vain</td>
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<td>Anger</td>
<td>Apathy</td>
<td>Gentleness</td>
<td>Short-temper</td>
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<tr>
<td>Truth</td>
<td>Self-depreciation</td>
<td>Truthfulness</td>
<td>Boastfulness</td>
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The Ethics of Care

There are several applications of care in the criminal justice system

- Rehabilitation of those that have committed crimes is consistent with ethics of care
- “Restorative” or “Peacemaking Justice” is an additional application of ethics of care to the criminal justice system
  - Juvenile system

The Ethics of Care (In a nutshell)

- Identifies the needs of all individuals in an ethical situation and attempts to maximize them
  - Thus, one person cannot be sacrificed for others
- Attempts to solve situations through human relationships and compassion vice duty or rights

Egoism

- Egoism postulates what is good for one's survival and personal happiness is moral.
  - What benefits the individual is good...regardless of its effect on others
- The extreme of this position is that all people should operate on the assumption that they can do whatever benefits themselves
- All species have instincts for survival, and it is not only moral to be egoistic, but it is the only way
  - Any others are mere rationalizations
**Egoism**

- **Psychological Egoism**: Refers to the idea that humans naturally are egoists and that it would be unnatural for them to be any other way.
  - Supported by Natural Law (self-preservation) and Utilitarianism (hedonism)
- **Enlightened Egoism**: People behave in their own best interests, but think of the long-term consequences rather than immediate gratification

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**Egoism**

- Different from all other ethical systems because it focuses on what is in the best interest of the decision maker as opposed to society or others affected by the decision
  - Moral behavior is determined by what is best for one's self
  - It is moral to treat others as a means to one's personal happiness
  - It is immoral and impossible to commit a purely selfless act—events of charity are made with one's long-term self-interest in mind

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**Criticisms of Egoism**

- Not a valid ethical system because it is not universal in nature
  - Not logical or feasible
- Supports exploitive actions, which goes against all other ethical systems
Relativism & Absolutism

- Relativism and Absolutism are two broad categories that provide another way to understand the various ethical systems.

Relativism

- Relativism describes ethical systems that have no universal laws
  - **Ethical Relativism**
    - Moral systems are products of individuals or groups
    - “Good” and “bad” may depend on an individual situation
    - If people believe different things are good and bad, how can you define what is good?
  - **Cultural Relativism**
    - “Good” depends on the norms of each society
    - What is acceptable in one society may not be acceptable in another
    - Also dictates that individuals within a culture conform to the standards of their culture
    - Who is to determine what is right and wrong?

Relativism

- Relativism is compelling because of the fact that there are very few universal principles across cultures that are supported by anthropological research
- It highlights the impossibility of the task of determining absolute moral rules
**Example - Police Subculture**

- Certain types of police behavior may be considered acceptable by the police subculture even while being contrary to general societal morals. This is especially true of actions such as the willingness to overlook a law.
- Some police officers believe that it is wrong to break the speed limit unless one happens to be an officer - even an off-duty one.

**Criticisms of Relativism**

- Logically inconsistent in that it requires compliance to rules within certain cultures while simultaneously claiming that there are no absolute and universal moral rules
  - It is difficult, if not impossible, to establish moral rules if there are no absolutes on which to base them.

**Absolutism**

- If an act is wrong, it is always wrong
  - The existence of cultural norms do not make them moral
  - However, Absolutism does provide some exceptions to its universal rules.
  - E.g. - Under ethical formalism the principle of *forfeiture* is one example of an exception to an absolute rule
Absolutism

- Moral rules are absolute and there should be no exceptions
- When moral absolutes are removed, subjective moral discretion leads to egoistic rationalizations

Criticism of Absolutism

- The strength of Absolutism is questioned if absolutists themselves allow exceptions to their own universal rules

Situational Ethics

- Situational Ethics is an approach to ethics that is neither absolutist nor relativistic, i.e. - a compromise
- Situational Ethics embraces basic moral rules (basic principles of right and wrong)
- These rules are then applied to Ethical Dilemmas
- The resulting decision may vary based on the specific circumstances of the dilemma and those involved
Det. Russell Poole

- Was a Robbery-Homicide Division investigator with the LAPD.
- In 1998, he was assigned an investigation regarding an alleged beating and cover-up of Ismael Jimenez, a reputed gang member.
- In his investigation, he uncovered a pattern of complaints of violence by the anti-gang task force in the Ramparts Division.
  - Gang members told Poole and his partner that a number of officers harassed them, assaulted them, and pressured them to provide untraceable guns. The beating occurred because Jimenez would not provide the officers with a gun.

Det. Russell Poole

- In fact, in a search of the house of Rafael Perez, a member of the anti-gang task force, Poole found a box with a half dozen very realistic replica toy guns and requested that the investigation proceed further.
- Bernard Parks, the LAPD Chief, ordered him to limit his investigation solely to the Jimenez beating.

Det. Russell Poole

- Poole prepared a 40 page report for the DA detailing the pattern of complaints, alleged assaults, and other allegations of serious wrong doing on the part of Rampart’s officers.
- The report was changed by a lieutenant and a 2 page report was submitted. Poole knew that in not providing the DA with all the information that he uncovered, he could be charged with obstruction of justice.
Det. Russell Poole

- What was his duty?
  - Did he have a duty to obey his superiors?
  - Did he have a duty to protect the police department from scandal?
  - Did he have a duty to serve the public?
  - Could he perform all of these duties at the same time, or are some inconsistent with others?

- What were his values?
- What were the potential consequences that could occur?
- What was his responsibility?

Poole was asked to put his name on the 2 page report prepared by the Lieutenant.
- What did he do?
- He did the right thing - he did not sign the report!
- He was later transferred and denied a promotion.
- He was vilified and treated as a traitor by some other officers when he went public with the evidence of a cover up.
- He later resigned from the LAPD
Closing

- None of us are perfect - We have all committed immoral or unethical acts
- Condemn the act not the person
- Very few persons are consistent in the use of one ethical system in making moral decisions
- Ethical systems help us understand or analyze morality
- Doing the right thing is sometimes not easy