

THE EIGHT KEY QUESTIONS HANDBOOK



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FAIRNESS

What is the fair or just thing to do?

How can I act equitably and treat others equally?

Everyone has a strong sense of fairness or justice – We often hear the expression “that’s not fair” or witness cries for “Justice Now!” Our intuitions about fairness are a good and usually reliable starting place for the analysis of fairness. For many of us fairness is at the heart of ethical reasoning; we begin ethical reasoning with the fairness question (but we must not stop there).

One way to think of fairness is to expect that we treat all similar cases similarly. If Johnny and Jenny write two different essays that are equally grammatically correct and compelling, they should receive the same grade. That’s fair. What isn’t fair is to give one a better grade than the other because we like them more, are related to them, or think that girls need different encouragement than boys. Similarly, white collar criminals should be tried like street criminals. What might be called **procedural fairness** – treating equal cases equally – is essential to ethical reasoning.

The U. S. Declaration of Independence declares “All men are created equal...” but we know that not all persons are equal. We witness tremendous differences/inequalities in genetic factors such as height, physical or intellectual talent, or ability to be productive, to name a few. In addition, we observe significant inequalities in wealth, power, and access to goods and services. Such issues of **distributive justice** also factor into considerations of fairness.

There are analytical tools to help us reason about fairness. For example, in *A Theory of Justice*, John Rawls proposed that we employ the “veil of ignorance,” asking what procedures or patterns of distribution we would chose if we didn’t know what our place would be in the system. So, for example, would we choose to live in a society that permits slavery if we didn’t know whether we might be the slave owner or the slave?

SO, HOW TO PROCEED?

A basic strategy when asking about fairness is to begin with intuitions of fairness, and critically examine them to ensure that we are seeing past any self-interest to actually treat everyone including ourselves equitably. In doing so, the “veil of ignorance” is a useful analytical device.

OUTCOMES

What are the short and long-term outcomes (consequences) for all involved?

When we decide what we should do, we *morally should* and usually *do* consider the outcomes or consequences of our actions. However, predicting outcomes (results, consequences, or effects) of actions proves notoriously difficult. Before the U.S. led war in Iraq in March 2003 Defense Secretary Donald Rumsfeld predicated, that "It (the war) could last six days, six weeks. I doubt six months." Unfortunately, there is no crystal ball and the problem of "unintended consequences" plagues predictions. In addition, the short-term benefits often "appear" to outweigh the long-term costs or vice versa. Further, outcomes may apply unevenly making some people victims and others beneficiaries or may be good for me but bad for others. Nevertheless, a careful and cautious weighing of possible outcomes should precede every potentially ethically significant action we take.

The usual shortcoming of asking the outcomes question is 1) to ignore or miss outcomes, 2) to focus too much on the short-term, and 3) to give unjustified weight to one's self. Good parents exemplify ideal "outcomes" thinkers by carefully planning for the long-term well-being of their children even if the plan involves their self-sacrifice. Life experience sometimes helps mature ethical reasoners to overcome the tendencies to self-centered, short-term outcomes reasoning.

Utilitarianism provides useful analytic tools to help refine outcomes thinking. Utilitarian reasoning considers all those who might be affected by each action and seeks "the greatest good for the greatest number." In addition, the harm or benefit that comes to one's self should be treated as equal in value to that harm or benefit that applies to anyone else. Further, long-term effects are viewed as more important than short-term ones.

A classic outcomes reasoning example might be a highway project that requires taking land from an unwilling owner through eminent domain. Although an individual farmer may suffer greatly due to the loss of her land, the benefit to hundreds of thousands of travelers on the highway outweighs the harm.

SO, HOW TO PROCEED?

A basic strategy is to think about all those involved in the situation, currently living and yet to be born, who will be helped or harmed by an action, and to total the overall positives and negatives. This is an exceedingly difficult process to not play favorites with one's self or loved ones, but also to forecast whether an action will be a net positive or negative. In some dilemma situations the best that one can do may be to minimize the negative outcomes.

RESPONSIBILITIES

What duties or obligations apply?

In ethical reasoning it is essential to consider responsibilities. Responsibilities may be divided into those requirements, usually called **duties**, that we owe to other human beings, non-human animals or institutions in virtue of their intrinsic value and those requirements, frequently called **obligations**, that we voluntarily take on because of our agreements or roles. University professors, for example, have duties to not harm their students because students are human beings and they have obligations to treat students professionally because they are professors.

Responsibilities are sometimes said to **correlate** with rights. If I have a responsibility, then someone else has a right. If I have a right, then someone else has a correlative responsibility. For example, my right to life may entail your responsibility to refrain from killing me (negative right) or your obligation to save me (positive right).

The responsibility question, then, is: what duties and obligations are involved in the situation presented. Answering this question requires getting clear about duties and obligations but may also be addressed indirectly by investigating the relevant rights that are involved.

SO, HOW TO PROCEED?

A basic strategy here that can focus thoughts about responsibilities is (1) to ask if the persons associated with the ethically significant situation have any role-based responsibilities or owe any natural duties; if so, to clarify what those are; and (2) to ask if those responsibilities are outweighed by other ethical factors.

CHARACTER

What actions will help me to become my ideal self?

What action expresses the person that I am or aspire to be?

What virtues, e.g. honesty, courage, integrity, loyalty, do I want to nurture?

What vices do I want to eliminate?

What is loosely referred to as the 'virtue tradition' in ethical reasoning stems from the ancient thinkers, especially Aristotle. The idea is that when considering potential actions one should consider what best expresses the person that you are or, and this is especially true if you are young, what best expresses the person you desire to become. Character reasoning depends in part upon the heroes or mentors that we admire and the reasonable desire to be like that person. Phrases such as "self-development," or "self-actualization," or "be the person you can be" frequently connect to character reasoning.

To help to discover the good life, one must first engage in thoughtful reflection on what kind of person one wants to become. In describing this ideal, one can describe good character traits, or virtues -- ideals of good behavior to which we should aspire. Such lists of character traits differ but they often include items such as being honest, courageous, trustworthy, loyal, fair, and generous. When faced with a significant moral decision, one should act as a virtuous person would act in that situation. The wisdom required to make moral decisions is in deciding which virtues best apply in a given situation, and in understanding how best to apply those traits of character.

Those who advocate the virtue approach to ethics often argue that it can be the most inspiring and motivating approach. While other approaches to ethical reasoning are often negative ("don't do that") and can become legalistic, the virtue approach is internal and self-directed, and tends to be positive and uplifting. It is often powerful in that it can engage the emotions and genuinely help people to want to do good.

SO, HOW TO PROCEED?

A basic strategy is to begin by a period of personal reflection to help an individual decide for herself what ideal self she aspires to become. This leads to the identification of a list of virtues, or traits of character, that would be associated with that ideal. When faced with an ethical decision, one should act in accordance with these identified traits of character. Deciding on the best action involves testing each virtue – What would an honest person do? What would a kind person do? And so on.

LIBERTY

How does respect for freedom or personal autonomy apply?

Is confidentiality required? Is consent needed?

The U.S. Declaration of Independence talks of inalienable rights and among these is the right to liberty. The basic idea is that people have the personal authority—they are entitled—to be free to live their lives as they think best, subject to certain necessary constraints, of course. Why should people be free to do as they please? One outcomes-based account says that we should respect the liberty/autonomy of others because doing so best achieves general happiness or a stable, well-functioning society. On another rights-based account we should respect others' liberty/autonomy because people are naturally entitled to choose and act as they see fit: they and they alone 'own' their lives.

One of the most popular limits of this approach is found in John Stuart Mill's 'harm principle'. The 'harm principle' maintains that people should be allowed to do as they will, provided that they do not harm others. My personal liberty stops when it negatively affects yours. Another instance in which it is generally agreed that limitations on personal liberty are ethically justified is when the party involved is incapable or limited in making rational decisions. These limitations may be due to age, i.e. they are children, or mental limitations whether permanent or temporary.

Liberty or Freedom has a special place in the American popular experience. For instance, when giving an account of why young men and women die on distant battle fields, the justification is invariably "Freedom" or "They gave their lives so we can be free." It is because we value personal autonomy that we require that doctors, counselors, and lawyers treat their communications with clients as privileged, i.e. they maintain confidentiality. My freedom to choose is honored each and every time I sign a consent form. Ethical reasoning that fails to consider the personal liberty of others proves to be inadequate.

SO, HOW TO PROCEED?

A basic strategy here that can focus thoughts about liberty is to think about whether the people associated with the morally significant case are entitled to live as they see fit. If they are not hurting others in any obvious ways through their choices and actions, and they are capable of making rational choices about their own self-determination, there is a strong presumption in favor of their being allowed to continue doing so. One should act so as to increase personal liberty and autonomy unless the persons involved are incapable of living out their autonomy or are harming others.

EMPATHY

How would I respond if I cared deeply about those involved?

Disciplined ethical reasoning requires that we put ourselves in the shoes of others. Feeling what someone else feels often is the prompt to courageous ethical action. Stepping in to stop the bullying, being the first to help an elderly person who has fallen in the street, sending food supplies to starving villagers suffering from famine, risking your life to save someone who is screaming in a burning building, these are ways that human beings demonstrate the role that empathy plays in ethics.

While there is growing evidence that empathic feeling is a common feature in human experience we sometimes fail to express or even to feel for the suffering or interests of others. Some of these failures may be due to a type of inattention as in the so-called 'bystander effect' and others parts may come from a type of desensitizing that comes from modern industrial society. The empathy question is designed to intentionally draw attention to our emotional responses to situations we encounter.

Expectations of reciprocity may depend upon a deeply situated tendency toward empathetic response. So too, the "Golden Rule," which is cast in various ways, but generally commends treating others in a way that you would like to be treated reflects the underlying importance of empathy.

SO, HOW TO PROCEED?

A basic strategy here is (1) to imaginatively put yourself in the place of those who would be affected by your action/inaction (or the action/inaction of others), and then (2) to see how you would feel about that action/inaction from his/her/their perspective. If you would feel disrespected or otherwise harmed by the action/inaction, there is a presumption in favor of not doing it (or judging it acceptable).

AUTHORITY

What do legitimate authorities (e.g. experts, law, my religion/god) expect of me?

Many political and religious leaders claim authority, but in ethical reasoning we seek *legitimate* authority. Legitimate authority may come in different forms. A traffic cop clearing an accident scene, a nurse or pediatrician, a knowledgeable teacher, a code of ethics, the drinking age law, or a religious leader may all be legitimate authorities under certain conditions. One approach is to take seriously the advice, orders, or commands given by apparent authorities or institutions, but at the same time consider whether the authority has legitimacy. Authority is a complicated notion that is dangerous to ignore—you may go to prison—but it is also dangerous to blindly follow (e.g. Hitler's Nazi regime).

The analytical skill to be developed for using authority in ethical reasoning involves first determining the answer to the question of legitimacy (a knotty problem) and, if the authority is legitimate, to determine what the authority demands, expects, or counsels.

Much of the advice and commands given by authorities is rooted in other key questions: it often leads to the best *outcomes*, or it helps protect an individual's *rights*, for example. Most of the time, we can merely do what we're told, and it will be the right thing to do, and it will save us the time of applying all of the other key questions. But we must be careful to always keep a critical eye, and be willing to question claimed authority when appropriate.

For example, when a rule is wrong, ethical reasoning indicates to break the rule. When an alleged authority is illegitimate, ethical reasoning permits ignoring it. These observations are complicated by the fact that even legitimate authority is not always right and illegitimate authority may be right.

SO, HOW TO PROCEED?

A basic strategy here is to question (1) the basis for an apparent authority figure or institution's claim to authority, and seek to explain the justifications for that authority, i.e. determine legitimacy, (2) whether the advice or commands are consistent with the other seven key questions, and (3) whether consciously breaking the proscriptions of authority, even if legitimate, is required by the ethical demands of the other questions.

RIGHTS

What rights (e.g. innate, legal, social) apply?

Rights play a prominent role in the Declaration of Independence (inalienable rights of life, liberty and the pursuit of happiness), the U.S. Constitution (“Bill of Rights”), and the 1949 Universal Declaration of Human Rights. Rights specify entitlements and permissions, and have repercussions for what must (positive rights) or must not (negative rights) be done to/allowed for persons. For example, my right to life, a basic right, may be interpreted as a negative right, i.e. it is wrong for someone to kill me, or a positive right, i.e. if my life is at risk it is morally required for others to try to save me.

Some argue that rights are instrumental, that is, observing rights makes for a better functioning society in which people flourish. Others contend rights are more than being useful, they are intrinsic self-evident considerations that require respect. Most concede that rights come in both varieties with the right to life being intrinsic and the right to a trial by a jury of one’s peers being instrumental.

When we encounter talk of human dignity, often the basis of that dignity can be expressed in terms of human rights. Human beings (and some non-human animals or nature) possess a status that gives moral standing; entities with rights are entitled to certain types of treatment.

SO, HOW TO PROCEED?

A basic strategy for focusing thoughts about rights is (1) to think about whether there are any basic entitlements and permissions necessary for living a life with dignity at stake in the situation, (2) to consider whether there are any instrumentally valuable protections or permissions established by legitimate authorities such as law or government, and (3) to ask if respecting these rights is outweighed by competing considerations (outcomes, responsibilities, etc.). Rights create a strong (for some inviolable) presumption for being respected.



THE EIGHT KEY QUESTIONS

Fairness

How can I act equitably and balance legitimate interests?

Outcomes

What achieves the best short- and long-term outcomes for me and all others?

Responsibilities

What duties and/or obligations apply?

Character

What action best reflects who I am and the person I want to become?

Liberty

How does respect for freedom, personal autonomy, or consent apply?

Empathy

What would I do if I cared deeply about those involved?

Authority

What do legitimate authorities (e.g. experts, law, my religion/god) expect of me?

Rights

What rights (e.g. innate, legal, social) apply?