ETHICS FOR EVERYONE

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This discussion is not about any chance question, but about the way one should live.

Plato, *The Republic*

Preface

How to Use this Book

This book designed to help you improve your moral IQ much the same way that a law student learns to become a lawyer. First there is a little theory about the nature of morality, next there is a quiz to provide you with a picture of how you think about ethical problems and finally there are case studies of ethical problems.

Take the time to read the section Ethics Matters. While you don't need to be a philosopher to make sound moral judgments, it does help to understand something about the ethics itself.

Next, take the ethical quiz. Here you will find four moral problems. Read the instructions, then answer the questions. Keep a copy of responses.

Now read the twenty-one case studies. Each case is introduced with a series of considerations. Think about them carefully. Jot down your answers before reading my and another expert's comments. After you've read the responses to the problem, see how your answers compared with what you've read.

Finally, go back to the quiz in Section Two. Without referring to your previous responses, answer the questions to the four vignettes once more. Now look at your two sets of answers. Did you change you mind about anything? If you did, what was different? Why do you think your answers differed?

This kind of reflection, self-questioning and comparison will help sharpen your ability to detect ethical issues and it will help improve your moral IQ by making you more sensitive to moral matters.

PART ONE

Ethics Matters

Chapter One

Everyday Ethics

Talking Ethics

One day Irma made a call from a public phone booth. When she put down the receiver, quarters poured out of the coin return. Irma related this little drama to me one evening, then asked, "What should I do with the money?" She was serious. She really wanted to know. Keeping the money bothered her, she said, but she wasn't convinced that returning it was right either. So Irma and I spent some time talking about it. The more you conversed, the deeper you went into the moral issues that were revealed. While the amount of money was small, the ethical issues that it raised were significant.

As the Leader of the Ethical Humanist Society for more than 30 years, people like Irma have sought me out to talk about their moral quandaries. For many years I've led a discussion group called "Everyday Ethics" where people come to discuss an ethical problem they face. Some of the problems are as small as Irma's, but others have been as significant as what to do about a relative who needs living assistance but refuses all help.

Most of the problems you talk about revolve around telling the truth, loyalty and fairness and they often involve matters of money, work, relatives and friends. They present conflicts of values and interests. You seldom start agreeing about what the right thing to do is, and it isn't unusual for us to end in disagreement. Somewhere along the

line, though, each of us has gained a better insight into the nature of morality. The dialogue has served its purpose.

I think about these practical, everyday ethical issues on a daily basis. This is what I do for a living. I am involved with people who want to live an ethical life. They are concerned with how to live responsibly. They want to know what it means to be moral and how to go about achieve this. They are troubled by the conflicts they sometimes experience between personal happiness and social responsibility; they often have difficulties weighing the proper choice of action when both courses seem wrong. There is fuzziness about personal likes and dislikes and some objective measure by which to decide whether something is ethical or not. There is uncertainty about the relationship between practical outcomes and principled positions. So people seek me out. They want to know what I think. They want me to help them to think more clearly. They want to check out their own feelings, to see if they are leading them down a moral path.

Members in the Ethical Movement have looked to me for moral guidance. They're not looking to talk to a philosopher in the academic sense. I'm not a technical ethicist. They seek me out the way someone with spiritual questions goes to a clergyman, not a theologian. You want someone who helps in a practical way, not in an academic fashion.

Living With Ethics

I have lived trying to puzzle out what it means to live a good life in the real world. So I've spent most of my life working with ordinary people trying to cope as best they can in a world that often doesn't stress ethics. Success is often a higher value; ambition is frequently more valued than caring. And caring for oneself seems to be far more important

than caring for the community. This isn't to say that success, ambition and self-care aren't important. They are. But in order to live a good life, they must be placed in a larger ethical setting. I've learned this over and over again from real-life experience. The people who are happiest are mainly those who have learned how to balance their ethical values with other values.

In addition to my relationship to the Ethical Movement, I am a professor of humanities at Hofstra University. There I teach literature, religious ethics and the psychology of morality. This provides me with the opportunity to pursue ethical knowledge on a more theoretical level. I keep up with the studies that show how reading fiction helps to develop moral sensitivity. I keep abreast with the experiments and surveys that look at the way children grow up to be ethical adults. But even here there are ethical problems that arise. What do I do with a student who needs to get at least a C+ in my class because he would otherwise lose his scholarship but doesn't deserve the grade? Do I keep strictly to my absence policy when I student has been really sick? In a seminar, where everyone is required to contribute, how do I treat a student who is silent because she is afraid to speak up in public?

For a number of years I have been involved with bio-ethical questions. I was a member of a Human Subjects Review Board at a major teaching hospital for several years. This group decided whether a doctor could perform a need procedure or offer an experimental drug. You looked to make sure that the patient understood what was being proposed and offered his consent with undue pressure. You also had to weigh the benefits against the risks. Twice you rejected proposals because you thought that the means the

researcher wanted to use wasn't justified, even though the possible benefits for patients was great.

I am now member of the Ethics Committee at Winthrop University Hospital in Mineola, New York. This group helps set policies for the hospital around matters of life-and-death. One major discussion was whether requests for autopsies should be routine. On the one hand, as a teaching hospital, interns needed to practice on human bodies in order to learn their skills properly. On the other hand, it seemed cruel to ask a family's permission to do an autopsy on a loved one who has just died. The committee struggled for more than a year to develop a policy about practicing medical procedure on the newly and nearly dead. As a teaching hospital, physicians in training use these bodies to learn how to insert venous catheters. But good medical ethical practice requires patient consent, something impossible to obtain under these circumstances.

Over the years I've also worked with many organizations dedicated to issues of social justice. One time you were meeting with the county police department about civilian charges of police abuse. The problem was how to make it possible for people to complain without feeling that they would face further reprisals. At the same time, you needed to protect police officers from having their careers ruined by charges that had no foundation. Once I was on a committee concerned about private hospitals that were in financial trouble that were being absorbed by a hospital based upon religious principles. How did you balance the need to provide medical services while at the same time not having religious rules imposed upon all who came for care?

Applying Ethics

This book is a result of my three decades of experience with grappling with both personal and social ethics. I've written it because you are probably much like the people I meet. You want to better understand what ethics is and what morality may demand of you. You want to be better able to deal with moral issues that confront you day-after-day, either at home, in your neighborhood, with your friends or at work. In a sense, this is a textbook in applied ethics, but I've tried to stay clear of jargon and theory. In addition, the problems I present are different from those typically found in college texts. Those books written for students and are mainly centered on theory and concepts. There are also ethics books written for particular professions. So there are books on business ethics, journalistic ethics, medical ethics, social work ethics and so forth. The topics discussed are mainly matters of law and social policy, so the focus on legislation or codes of ethics. Such books typically concentrate upon concepts and theories but give scant attention to the kinds of ethical problems you are likely to face.

This book takes a different approach. It is written not with a student in mind but someone interested in ethics for her own sake. Nor is it a book in professional ethics. It is a book of people's ethics. It is for the kind of person who seeks my ethical counsel — anyone interested in leading a good life.

The focus here is upon personal responsibility, not social policy, although sometimes this isn't possible to completely separate.

What's more, when I give examples of ethical problems, I take them from real situations that I know about. Many of them people have talked to me about. A few of them are variations of problems that I have had to deal with myself. And a few are taken from my own life. backseat to using a method by which to approach ethical issues.

What I want to do is to provide you with a sense of what ethics is and how to better incorporate ethics and values into your daily life. You may well find yourself in some of the problems I present and you may have wondered if you did the right thing. Each of the case studies in this book illustrates an aspect of moral consideration. I give you my own responses and answers to each of the problems but I am not giving you *the* right answer. I want you to think along with me. That's the reason that I also have asked experts in a variety of fields to give their thoughts as well. Here you will find comments of a parish priest and an African theologian, a psychotherapist and a philosopher, a scholar of Chinese ethics and an athlete, a businesswoman and a journalist, a social critic and a professional soldier, a medical researcher and a social worker.

While steering away from the theoretical approach of textbooks, I've also tried to stay away from a how-to approach to ethics where all the answers are pre-packed and morality is a matter of learning the right lessons. The book doesn't intend to give the "correct" answer to any moral problem. Rather it presents a way to think about ethics and provides the kind of insight that is gained by those who attended my "Everyday Ethics" seminar at the Ethical Society. The book is designed to help you think things through for yourself. If this book is successful you will not necessarily be more sure that you have the right moral answer, but that you will be sure that what answer you do arrive at will be on a built on a better foundation than before.

Let me add something here: I am not saying that a better understanding of ethics will necessarily make you a better person. Other things beside good judgment are needed for that. First, you have to want to be a better person. A person may know what the right

thing is but choose not to do it. This is the way I feel about chess. I know the rules of the game, but I simply don't care to spend my time playing.

Second, you may want to be a better person, you may make sound judgments about living ethically but you may not be able to do anything about it because you feel like you can't. You may be afraid of what it will cost you, you may be afraid of what other people will say or you may be of becoming an outsider. You may not have the psychological or physical courage to do the right thing. You may not have the physical strength or you may lack some other factor. These are important psychological considerations and you can see why it is impossible to completely separate ethics from psychology.

So this book doesn't pretend to make someone into an ethical person, but it does offer the possibility of raising someone's moral IQ since its primary focus is upon learning how to make ethical judgments.

This book is a kind of map but a peculiar one at that. The following fable, told by Rabbi Shmuel Avidor Hacohen, expresses the spirit in which I hope this book is taken.

One day a hiker lost his way in the woods. No matter what he did, he couldn't find the right path. At the end of three days, he seemed to be deeper in the forest than when he started. Near exhaustion and close to hunger, he sat on a rock, his heart heavy with despair. Suddenly, he saw a ragged man with a walking stick, obviously a woodsman himself.

The hiker explained his situation.

"I can't get out of the woods," he said. "Every path I take takes me deeper and deeper. I want get home."

The woodsman was moved by the story.

“How long have you been lost?” he asked gently.

"Three whole days," the hiker cried. "I've walked and run, slashed the brush, cut down trees. I beg you, show me the way out of the forest."

“You’ve been lost for three days, you say? Well, just look at me,” the woodsman said pointing to his disheveled appearance. “I’ve been wandering in this forest for ten years! And I still haven’t been able to fine my way out of the tangle.”

The hiker then burst into tears.

"When I saw you I thought for sure that you could show me the way home. Now I know. There is no hope. Everything is lost."

The woodsman replied. "I don’t think so. You *have* gained something from me. I have wandered for ten years, so I can at least teach you one thing of great value. I can show you which paths *don't* lead out of the woods."

The woodsman, however, knew the basics of survival. After all, he had been there for years. So the hiker had something important to learn. He would know which mushroom to avoid, how to find clean water and how to make a shelter. With these basics in hand, he may well find his way out himself.

So what do you need to know? Where do you turn to find your way out of the ethical wilderness?

Chapter Two

The Basics

The Need for Definitions

No matter how much you wish otherwise, simple straight-forward answers to ethical problems often are not possible. Even the western world's touchstone of Jewish and Christian ethics, the Ten Commandment, needs interpretation, as they offer broad principles of conduct rather than specific instructions. What does "Thou shall not kill" really mean? Only pacifists believe it to mean not killing ever, under any circumstances. Most people accept self-defense as justifiable homicide. In fact, the original intent of the commandment was to forbid the taking of innocent lives. What about stopping violence against others? Catholicism, for one, has developed a complex theory regarding just wars, taking the position that under certain circumscribed conditions soldiers of one army may kill soldiers of another.

Or take another commandment, "Thou shall not bear false witness against thy neighbor." This is generally taken to mean that you shouldn't lie. But what about white lies, those social lubricants used to spare another's feelings? What about telling lies to enemies or to spare another's life? A widely used book on police interrogation, for example, urges police to use deceit, deception and outright lies to trick suspects into confession. The point of baiting questions can presents non-existent evidence to a suspect

as a means of evoking the truth. In other words, police are encouraged to tell lies in order to get suspects from telling them.

In times past, some religious thinkers claimed that it is not a lie if what is spoken is in the promotion of Christianity. One interpretation of God's commandment to Abraham is that God was only testing Abraham's faith; he didn't really intend to have the father kill the son. If you tell someone one thing but mean another, even for good cause, you are deceiving them and lying to them. In that sense, God lied to Abraham to make a larger point.

In the above examples, questions of definition enter. What is killing? What is lying? All commandments need to be related to particular circumstances, they all need to specify what they intend to mean. It is for this reason that Judaism has produced commentaries upon commentaries, Catholicism has a long-standing scholarly tradition in ethical theory and a method by which to decide ethical questions and why two believing Protestants can read the same scripture and reach different conclusions regarding its meaning and application. The Muslim, Buddhist and Confucian traditions, too, has their libraries of scholarly works, teasing out the ethical implications of everyday affairs.

Pressing question may not fit the pre-formed answer. So clergy, too, must use moral insights and reason to be helpful. Otherwise you will be like the minister who had too congregants come to him with a dispute. He listened to the first and said, "You're right." He listened to the second and said,. "*You're* right." A friend, who overheard the exchange said, "First you said one was right, then you said the other was right. They both can't be right." The minister responded, "You're right, too!"

"All right," someone may say. "You're interested in ethics. That's fine for you. But why should I care?" One answer is that you can't avoid morality no matter what you do. All of us are moralists. The difference is whether you pay attention to that fact or you simply accept what others tell us what to do. Another reason why ethics is important is that you may rationalize our behavior and convince ourselves that something is right just because it favors us.

There was a time when it was clear what the right thing to do was. I remember back to the time my wife and I were living in Kenya, as Peace Corps volunteers. Several weeks before her due-date she went to Nairobi to be under medical supervision required by the Peace Corps. I set out to join her on and you arranged to meet at an outdoor cafe. When I saw her sitting there sipping her coffee under an arching thorn tree, my heart first leapt with joy, but when I came closer, something in me sank. Instead of enthusiasm, I felt something more like dread. Of course, I was glad to see my pregnant wife. At the same time, I knew now for certain that my life would forever be changed. I was now to enter the ranks of the obligated. A person — a helpless creature, completely vulnerable and dependent — would now be mine to protect. I couldn't leave or walkout or turn my back. My fate was sealed. With my newly acquired role as father I would be bound to another in a way I never had been before. I wondered what this meant for my independence, how it affected my life goals, how much I would have to give up, even sacrifice, because of my child. Even asking these questions made me feel self-centered, immature.

My reaction could be analyzed psychologically. But in another significant way this situation could also be understood from a moral point of view. For people in a traditional culture, such as the Kenyan one, many such questions wouldn't arise. Or

perhaps, more accurately, no one would ask them aloud. Roles were clearly spelled out and society strictly enforced them. Indeed, morals have their roots in the customs of a culture and what it means to do the right thing is to follow the customs of the tribe. Only the courageous or crazy challenge this. Everyone knows what it means to be a father, everyone knows what is expected of his role. Few agonize over trying to balance what is good for themselves with what is owed to others. If a person does not fulfill society's expectations, he or she suffers from social ostracism or worse.

The luxury of knowing without doubt what I ought to do — if that is what it is — was not possible for me. During my own lifetime, I could witnessed the shift in what it means to be a father. I saw that my father's relation to me was not the same as his father to him. Grandpa was of the old world, stern and distant, the mustachioed patriarch demanding, if not respect, then obedience. Grandpa and Grandma didn't share affection as much as fate. But my parents married after courting. Companionship counted for something. I had choices that even my parents did not. Divorce for them was only a remote possibility. For me it flourishes as rapidly as marriage itself. Those very same choices led to my unease, the uncertainty of not knowing what to do, what I *ought* to do as a father, as a husband. What were my responsibilities, most especially to the one most vulnerable, my baby?

Moral Uncertainty

Life in modern day America, and increasingly elsewhere throughout the world, offers no assurances regarding what is the morally correct thing to do. Today, three decades after my self-questioning, Kenyans too find that customs that held for centuries

no longer quite apply. Children go to school and move away from home. At school they meet future mates of their own choosing, no longer having parents selecting spouses for them. They may well marry a person from a different ethnic group who has different customs. They, like us, find that modern life provides for material comforts but in return exacts the price of uncertainty and social instability.

Don't think that moral confusion is new. It isn't. Socrates tried to teach the young how to lead a virtuous life by taking no assumption for granted, by questioning nearly everything, an approach to moral education considered so subversive that he was condemned to death for such teaching. The 12th century Jewish scholar, Maimonides, finding that existing texts didn't sufficiently address themselves to contemporary worries, wrote *Guide for the Perplexed*. What is new is that more and more of us live in metropolitan settings where conflicting values come into play. Or if you aren't city dwellers ourselves, you are exposed to a variety of moral codes through the mass media that now reach around the world. Our ancestors would be just as uncertain as you are if they lived in today's society.

Some turn to a single text for answers, a clear-cut, no-nonsense guide. But which book? After Socrates' death, two of his students took divergent paths. Plato and Aristotle disagreed about ethics, the former believing in eternal values and the latter in the need for judgment in particular situations. Jesus broke with the Jewish establishment of his time, placing the spirit of the law above a strict interpretation of it, emphasizing motive over consequence.

Of course there were people in traditional societies who were bothered by uncertainty and moral conflict. Abraham must choose between obeying God and the life

of his son. Antigone must choose between the laws of state and the religious and familial duty to bury her brother. However, it may be more urgent for us today than ever before because so few customs exist upon which everyone agrees. Daily you come into instant contact with events ten thousand miles away via television and the Internet. These are time of mass migrations and millions of displaced persons and refugees, a world in which representatives from nearly every nation meet in one building to discuss common problems.

Not everything you do hinges on morality, not every situation is an ethical one. Some decisions are non-moral, as in deciding upon a particular flavor of ice cream. Some matters are at bottom psychological. If someone asks, "Why am I addicted to alcohol?" she is raising a psycho-biological question that confronts motivation, cause and effect. If the person asks, "How do I stop from drinking?" she is raising a practical question. But if the person asks, "Ought I to stop drinking?" she is asking a moral question. Ethical considerations arise when you try to evaluate our actions in terms of "right" or "good." What this the right thing to do? Was it a good thing to do?

In the drinking example, the question becomes ethical when the person wondered whether drinking was desirable. Certainly, the person desires to drink. The implicit question is, are all desires worthy of indulging, i.e. is that which is desired desirable? To answer this question, a series of other questions follows, such as: What effect does drinking have upon the person? How does it effect his health and character? What effect does it have upon others? Is this the best way to spend money? What pleasures are solitary and private? Whose business is it, anyway, that the person chooses to drink? The simple question, "Ought I to stop drinking?" is entangled in a web of other questions that become

progressively philosophical and abstract. Yet the question remains embedded in a real situation and the answers demand particular actions having real consequences in the lives of real people.

Many life-decisions are, at least in part, ethical ones. The choices you face regarding work, for example, have multiple moral dimensions. Here are some examples: deciding upon a fair salary; deciding whether to do everything asked of you; figuring out what to do with confidentially acquired information; understanding what extent you have a right to privacy; deciding upon the extent to which you compromise in order to keep your job; understanding your responsibility to your co-workers; balancing what you owe to your place of employment with what you owe to your family; deciding whether your work is meaningful or whether it is even important to engage in meaningful work; understanding in what way your work contributes to or hinders the welfare of others.

Being Sensitive

These questions are important to those who are sensitive to the lives of others. Fortunately, there is a kernel somewhere inside most that responds to the misfortunes of strangers. Some studies indicate that the sound of an infant crying is enough to cause other infants to cry. When toddlers see another person (child or adult) in distress, they go over to offer comfort. It seems our capacity for empathy is inborn. Why some lose it as adults remains puzzling. Maybe out of self-interest you willfully turn away; perhaps our society breeds it out of us. Whatever the reason, happily most adults still care.

Understanding morality as an emotional response to others in need leads to the conclusion that in a significant way, morality rests upon feelings. This has led some to say

that ethics is therefore nothing more than feelings, and no more subject to reason than is one's preferences in ice cream flavors. But saying that morality requires sensitivity is not the same as saying that ethics is nothing more than feelings. Being sensitive to others, in other words, is a necessary but not sufficient condition for doing the right thing. Not only do you need recognize that something is wrong, you still need to know what to do.

Chapter Three

A Little Theory

Three Approaches to Ethics

Who wants theory anyhow? Can't you just get on with the problems? You could and most people do. After all, you can operate your computer without knowing anything about how it works. But it can be helpful to understand some theory. It can make solving problems easier when you confront them. I'm not an auto mechanic and if I put my hands on a tool I'm bound to make things worse. But I know a little bit of the theory about how cars work, so when my car has a problem I know whether I should take care of something immediately or whether it can wait. It also protects me from being taken advantage of by an unscrupulous mechanic.

If you know just a little theory, you will do better in make better ethical decisions. It will help to provide you with a framework within which to decide what to do. So here is the theory in a nutshell.

There are three basic types of ethical theories: 1. virtue ethics; 2. consequentialist ethics; and 3. principled ethics These are systematic ways of thinking about moral issues. While there are sub-divisions within each of these groups, you can think of each as a cluster of thought or a school of moral philosophy.

So let's take a look at three leading schools of thought, variations of which can be found around the world. As you read through them, ask yourself, Which one makes the

most sense to you? Do you have a preference? Why? Think of a moral problem you have had and which moral course you decided was right. Which of these three approaches did you actually use in making your decision?

Virtue ethics, which focuses upon character, is the most ancient of the three types. Aristotle is perhaps the most famous proponent of this way of thinking about ethical matters. Those who look at ethics through the lens of character ask, "What sort of person should I aim to be and what do I need to do to fulfill that goal?" The main point of this approach is individual integrity.

In virtue ethics, acting true to oneself and fulfilling the goals of life is what it means to be a full human being. A person who accepts the virtue approach to ethics is moved to action because acting as a virtuous person is the only way he can live with himself. This approach to ethics had fallen into disuse by philosophers for a century or more, only to revived in the latter part of the 20th century by Alasdair MacIntyre who wrote a book called *After Virtue.* People who are concerned about character education for children are often using this approach to ethics.

Those who employ the **consequentialist** (or empirical) base to morality focus upon psychological processes such as affection, sympathy, a moral sense, intuition and so forth. Perhaps the earliest leading philosopher of this approach is Scotsman David Hume. Since empiricists are observing things as they are, they are led to ask this question, "What is the result of what I do?"

Those who look to results are concerned less with the kind of a person someone is but are more focused on the outcome of the actions they take. In Europe this approach centers mainly on stressing the greatest good for the greatest number of people, the

utilitarian theory. The American form of this school is philosophical pragmatism, an approach which values over principles and looks towards producing the desired results.

The third group or school thinks that ethics must be based upon **principles** that are certain and universal. These principles are derived from reason. The German Immanuel Kant is the leading philosopher here. Those who base their ethics upon principle ask, "What does reason morally require me to do?" Those who base their ethics upon rationality and search for valid generalizations ask, "What does reason morally require me to do?" A principled approach to ethics relies upon rationality and obligates a person to live consistently with what reason requires. "Duty" and "ought" are terms frequently employed in this ethical system, which seeks universal principles that apply to all people, everywhere, all the time.

Each Theory Is Limited

Each of the theories has its limitations.

The problem with virtue ethics is that it isn't clear which set of virtues are most important. Aristotle and the Greeks had theirs — wisdom, courage, temperance and justice; Thomas Aquinas and the Christians theirs — faith, hope and charity. The Chinese produced a slightly different set, and so forth. A virtue is like a target — you aim at it and try to reach the mark. But it begs the question as to which target you should be aiming at. Virtue ethics has the disadvantage of being culture bound. What it holds up as virtue turns out often to be a reflection of conventional morality — what is right is right because society says it's right. This is not much help in those situations in which there is a conflict

of values or where society's morality itself seems to be immoral. Virtue ethics becomes a relativistic ethic and everything depends upon the culture in which one lives.

Consequentialist ethics is limited because it severs results from the way in which the results were obtained. It looks primarily at outcomes, not input. Only the ends are important, not the means by which they were obtained. The problem is two-fold: one is that by only measuring ethics by its consequences, it overlooks the fact that a bad person may produce something worthwhile as a by-product of the evil and second, it can't distinguish between, say, a student who gets an A honestly and one who gets it by cheating. Consequentialist ethics can be reduced to a crude utilitarianism — if it works, it's good, and the greatest good for the greatest number is what is important, no matter how you arrive at producing that good. It may also suffer from a rough cultural relativism in which no judgments can be made about other groups. In a class on human rights I taught, many students refused to admit that torture was bad. All they wanted to say was that torture was immoral in America but that it may not be immoral for people to torture elsewhere in the world.

The third ethical school in which morality is built upon rational principle also has its limitations. Taken to their logical and extreme conclusion, principles can lead to inhumane results, for they can ignore probable consequences of our actions.

In the fairy tale *Beauty and the Beast*, for example, the father, in return for his own release, promises the Beast that he will bring him in exchange the first living thing he sees upon returning home. This turns out not to be a domestic animal, as he had hoped, but his daughter Beauty. A promise is a promise after all, and in good principled fashion, father convinces the Beauty to go to the Beast's home to be imprisoned. Father could have

forsworn the promise — it was made under extortion and the consequences of keeping it extreme, two mitigating considerations — but he didn't, so an innocent life is potentially sacrificed for the sake of keeping one's word. This is what can happen with such scrupulous adherence to a principled morality. It is a logical absurdity.

What to Consider

Philosophers argue amongst themselves which of the three approaches is correct. Frequently they have little patience with the person who will sometimes use one, then another concept. But, I believe, that it is the person who struggles with these perplexities who comes closer to the reality of things than those who insists upon a unitary moral system. People in all good faith can reach different conclusions about ethical matters because they may be employing one of the three ethical systems. But to make matters even more complex, you can disagree with one another because of a whole set of other contingencies. Here are some of the factors that need attention:

Every time you confront a situation you have to decide on the ***facts*** of the case. (Is the person lying or telling the truth?) Next you have to ***interpret*** the facts. (Did the person have cause to lie?) Then you have to fill in the gaps in the story with ***assumptions***, if you can't ask the protagonist directly. (Did the person mean to lie?) On top of this you overlay our own set of ***values*** (How important is the matter). Then you go about prizing one ethical ***principles*** over another. (How important is telling the truth?) This makes for at least eight variables (three ethical systems, facts, interpretation, assumptions, principles and values) that you employ when you make an ethical decision. So, leaving aside psychological variations, such as temperament, a mathematician friend tells me that this

mix of variables presents nearly 200 possible ways in which people of good will and hard thought can disagree with one another over moral matters.

One reason for the divergence is that ethical theory often uses only rational considerations, divorced from psychological, cultural, political and social realities. The lives you lead, the meaning you attribute to them and the manner in which you experience them are more complicated than any unitary theory can contain. No one is a perfect type or singly motivated. You may be inconsistent or contradictory. Ralph Waldo Emerson said, “A foolish consistency is the hobgoblin of little minds.” And Walt Whitman exclaimed, "Do I contradict myself? Very well then I contradict myself. (I am large, I contain multitudes.)"

But most of us also lean in one direction or another. Who knows but you may even be born with such proclivities. Recent studies involving twins and triplets separated at birth indicate that their likes and dislikes are far closer to that of their biological siblings than to that of their adoptive families. Although raised apart, they share tastes in jokes, clothing, music, dating partners and so forth. The adoptive families had little effect in this area.

Chapter Four

Ethical Judgments

Ethics and Good Judgment

This goes to the heart of morality. For the real issue in ethics isn't taste or inclination or preference. It is developing an ethical approach to living, whichever method of justification you use. Aristotle called it a combination of action, desire, and feeling. This requires the use of judgment so that you may apply what you believe to be right to the situation at hand. Having ethical principles alone isn't enough. As legal scholar and philosopher David Luban explains, moral decision-making "also requires good judgment, by which I mean knowing which actions violate a moral principle and which do not." He continues, "You can't teach good judgment through general rules, because you already need judgment to know how rules apply." His conclusion applies to the point of this book. "Judgment is therefore always and irredeemably particular."

In ethics you are one of the subjects of our own inquiry. If an ethical life matters to us, you must already be committed to particular values and principles. You therefore inevitably view things through our own interests and experiences. All of us are products of biology, history and social institutions, each of which shapes our understanding and beliefs regarding what it means to be human. In ethics, reason can never be divorced from the particularity of individual lives. Ethics is difficult precisely because it is so close and matters so much.

To make matters worse still, morality sometimes claims too much of us. There is always something more you could be doing to make the world a better place, more help to give a friend, another good cause to support, a conflict in our values and a gap between our ideals and our behavior. Knowing that you have failed to fully live up to the ethical life leaves the silt of self-recrimination. By being less than you think you ought to be — that is, less than perfect — you feel guilty and maybe even ashamed, emotions which, when unchecked, make living the moral life less likely, not more.

If ethics were all there was to life there would be no leisure, no projects of our own. Life would be a chore to complete instead of a joy to be experienced. If ethics makes demands, you believe, it must make demands absolutely, without exception and on all people under the same circumstances, the same way.

But moral obligation is only one type of ethical consideration. Fortunately, this is not all there is to ethics. Living a good life, too, is part of an ethical outlook. This means that while obligations to others are very important they aren't the only thing. You need to remember this particularly in a time when you are frequently drawn between those who, on the one hand, claim that there is only one right way, only one righteous path and those who, on the other hand, maintain that ethics is nothing but the hollow call for conformity by authority.

There's No Choice but to Choose

Undoubtedly, ethics is a difficult subject. But it is not the only difficult subject. I remember little about geometry and care hardly at all that others do the thinking for me. But I know that such a choice regarding ethics would only be a personal disaster. Epicures

explained why. "Let no one when young delay to study philosophy, nor when he is old grow weary of his study. For no one can come too early or too late to secure the health of his soul."

To secure the health of my soul I need to turn to a variety of sources. An analogy to our physical health is instructive. In the past, few gave much thought to the food they ate. Buttered biscuits, sausages, candy and ice cream — all delicious but deadly in large amounts. Now you know that what you put into our mouths and exercise affect our health. Yet you may still be confused by all the information available to us. Running is good for us — running ruins the knees; red meat is bad for us — red meat provides essential nutrients; sunlight is a healing agent for depression — sunlight causes cancer.

Ethics confronts us in a similar manner. Many voices compete for our attention, each persuading, cajoling, hectoring, demanding that you do the right thing. However, just as with health issues, you can turn to others for moral guidance. First, you sift the quacks from the serious, using our intelligence, experience, imagination and emotions to decide the difference. You read what you can from wisdom of the world's religions and you try to understand the great ethical philosophers who have contributed to our heritage. Next, you look to contemporary guides, people whose judgment you trust, those who seem to me to be examples of what they preach. You talk and discuss, you listen and argue. Then you try as best you can to understand all the relevant facts about the issue in front of us. You use our conscience, paying close attention to how you feel, what you think, what you believe. Finally, you take the interests of others into account, attempting to understand the world through the eyes of those most likely to be affected by our action. Then you apply my judgment.

As with the food you eat, unavoidably you are the final arbiter. I cannot escape this responsibility. This is a bother, but there is no other route as long as I am concerned with the health of my soul.

Sometimes you are confronted with competing claims, each important in its own right. You can even imagine situations where the claims upon us are equal and equally important. Jean Paul Sartre imagined such a drama when he wrote about a young man during W.W.II who was the only caretaker for his chronically ill mother. The Nazis were approaching his town. He was needed by the Resistance in order to defeat the invaders. But if he went to fight the noble and necessary cause, his mother would die.

Facing ethical choices may discourage you from choosing at all. But choice itself is built into the human condition. Ants don't decide between love and justice, human life and art. They live by instincts alone. Humans are different. Instincts may guide us on the most basic level — hungry, eat; tired, sleep; frightened, run-away. Yet even here there are choices: eat what and sleep where? And you all know that running away when endangered may not always be a good idea. I learned in the army that when a landmine blew up to next to me, I should stay still, figure out was going on, then act.

So you must choose or someone else will choose for us. Even not to choose is a choice — sometimes a good and wise thing to do, sometimes not. The point is to be aware of our choices and to act in the best way possible.

Chapter Five

A Way to Decide

Steps to Take

Amy Gutmann and Dennis Thompson, two political philosophers offer this way to approach ethical problems. The call it "standards of deliberation." First, every appeal to reason or principles you use must be one that could be accepted by other reasonable people. This means that there must be a degree of consistency, coherence and logic to what you say. Second, the factual claims you make must be testable by reliable and non-private methods. You can't say something like "You broke my arm," but not let anyone else see your arm. You have to allow your arm to be seen and examined by those who know what broken arms are. You can't refuse to share information your have or claim that it the fact just because it "feels right" or "because I said so." Third, all your reasons must be offered in public. You shouldn't solve ethical problems based on secret information. This is unfair to others, as it puts them at a disadvantage.

More specifically, here are a series of steps you can use in making an ethical decision:

1. What are the facts? Know the facts as best you can. If your facts are wrong, you're liable to make a bad choice.

2. What can you guess about the facts you don't know? Since it is impossible to know all the facts, make reasonable assumptions about the missing pieces of information.

3. What do the facts mean? Facts by themselves have no meaning. You need to interpret the information in light of the values that are important to you.

4. What does the problem look like through the eyes of the various people involved? The ability to walk in another's shoes is essential. Understanding the problem through a variety of perspectives increases the possibility that you will choose wisely.

5. What will happen if you choose one thing rather than another? All actions have consequences. Make a reasonable guess as to what will happen if you follow a particular course of action. Decide whether you think more good or harm or good will come of your action.

6. What do your feelings tell you? Feelings are facts, too. Your feelings about ethical issues may give you a clue as to parts of your decision that your rational mind may overlook.

7. What will you think of yourself is you decide one thing or another? Some call this our conscience. It is a form of self-appraisal. It helps us decide whether you are the kinds of people who would like to be. It helps us to live with ourselves.

8. Can you explain and justify your decision to others? Your behavior shouldn't be based on a whim. Neither should it be self-centered. Ethics involves you in the life of the world around you. For this reason, you must be able to justify your moral decisions in ways that reasonable to reasonable people. Ethical reasons can't be private reasons.

Earlier in this century, the great American ethical philosopher Morris Raphael Cohen wrote that without moral choice "there is no genuinely human life, but only slavish adherence to mechanically rigid rules which choke the currents of ever-changing life."

The choice, then, is between thinking things out for ourselves, judging and acting on those ethical values — however uncertain you may be about them — or living like slaves, afraid of risks, waiting for someone else to tell us what to do. While you have a moral vocabulary from which to construct our answers, there is no text, which by itself can tell what is right or wrong for each and every situation. Knowing this and acting nevertheless is the essence of responsibility and free will.

PART TWO

Chapter Six

Improving Your Moral IQ

Caring

Ethical philosophers and many religious leaders think about morality all the time. What is right? What is wrong? What values should guide our lives? What do you owe others? What is fair? What does it mean to be good? What is a good life? These, and questions like them, become their life work.

But how does someone become a good person? Aristotle, when asked this question, answered by counseling, Find a virtuous person and watch what he does. This is still good advice, as far as it goes. Imitation has its limits, though, since you only see what a person does but not why he's done it. Why sacrifice yourself for the sake of a friend? Why return something that you have found? Why fulfill a promise even if it is costly to you?

Once you ask "Why should I do this instead of that?" you are in the realm of judgment. And here psychologists have something to tell us about how and why people make the moral choices they do. Obviously, it has something to do with how you are raised. If you have confidence in yourself, you probably have the courage of your convictions. If you were raised in a home with respect, you can extend respect to others. But your childhood is literally in the past. Is there anything you can do now that can help raise the level of your ethical competence?

The answer is yes. First, in the area of caring and compassion, you know that reading fiction, history and biographies all make people more sensitive to the lives of others. Literature of this sort connects you to others in a way that helps you see the world through their eyes. This is the first step. Without care nothing else can happen.

Judging

The second thing you can do is to think about ethical problems. There are increasing levels of sophistication in reasoning about ethics. Many psychologists accept the schema arranged by Lawrence Kohlberg in which he outlined ***five stages of moral development***. The ***first stage*** claims that the reason for doing the right thing is to avoid punishment. The ***second stage*** argues that the right thing is that which serves your own interests. The ***third stage*** argues that you do the right thing is so others will think well of you. The ***fourth stage*** reasons that you do the right thing in order that society as a whole can function. The ***fifth stage*** accepts the right thing as that which promotes the welfare of all people and protects everyone's rights.

The better you reason, the more morally competent you are. This is much like saying that the better you understand math the better mathematician you are. Of course, you can occasionally guess the right answer and there are idiot savants who do amazing mathematical feats without having a clue how they arrived at the right answers. Furthermore, you can know everything you need to know about math and choose never to balance your checkbook. I assume, though, if you've gotten this far in the book, you are interested in "doing ethics."

Taking a Test and Talking

A way to improve your level of reasoning about ethics is to discuss ethical problems with other people, rather than simply think about them on your own. Moral development is spurred by your hearing other thoughtful responses to moral problems. Reflection best takes place when you hear what others think and you explain your reasoning to other thoughtful people.

So here are four more dilemmas for you to think about. Find others who are willing to read them and talk about their answers with you. Go over your ratings and explain why you ranked them the way you did. You can discuss other stories when you are done. Ethical problems are all around us. Hardly a day goes by that an ethical dilemma doesn't confront you. Nearly every day you can find a moral issue in the news.

So form your own ethical discussion group. It's challenging and it’s fun.

Chapter Seven

An Ethical Quiz

Story 1

Norma worked in a clothing factory for twenty years. Her husband died ten years ago, leaving her with a young child. The company went bankrupt recently, leaving Norma without work. She has no money in the bank, no assets and no pension. She finds a job paying the minimum wage without health benefits in a drug store.

Norma's daughter develops an illness that is fatal, unless it is treated quickly with an expensive drug. Norma thinks that she can take the required number of pills from the drugstore without them being missed.

What should Norma do? Do you favor her taking the drug? (Mark one)

Take drug 1. Strongly Favor; 2. Favor; 3. Slightly favor; 4. Neutral; 5. Disfavor; 6. Strongly disfavor

Rate the following 12 issues in terms of importance (1-5. 1 = great, 5 = No)

1. Is Norma courageous enough to risk getting caught for stealing?
2. Isn't only natural for a loving mother to care so much for her child that she would steal?
3. Shouldn't the community's laws be upheld?
4. Does Norma know enough home remedies that she can prepare something herself?
5. Does the rich owner have any legal right not to give Norma the drug when her daughter is dying?
6. Is the motive of Norma to steal for herself or to steal for her family?
7. What values are going to be the basis for social cooperation?
8. Is the epitome of eating reconcilable with the culpability of stealing?
9. Does the rich owner deserve to be robbed for being so greedy?
10. Isn't private property an institution to enable the rich to exploit the poor?
11. Would stealing bring about more total good for everybody concerned or wouldn't it?
12. Are laws getting in the way of the most basic claim of any member of a society?

Rank which issue is the most important (item number): Most important item _____; Second most important _____; Third most important _____; Fourth most important _____.

Story 2

Horace worked in the human resources department that was interviewing applicants for a top job in a widget company. After reading many applications, one stood out way ahead of the others. Then he realized that he knew applicant, Jerral. They had hung out together when they were teenagers. Jerral had been a wild kid and once was arrested for shoplifting and the possession of marijuana. Jerral had completed mandatory counseling and, as far as Horace knew, Jerral had straightened out his life and had done well during the last twenty years.

Jerral hadn't indicated in his application that he had once been arrested and Horace feared that the company would never hire someone with a police record, no matter how minor or how long ago.

Do you favor Horace revealing the information? (Mark one)

Reveal information 1. Strongly Favor; 2. Favor; 3. Slightly favor; 4. Neutral; 5. Disfavor; 6. Strongly disfavor

Rate the following 12 issues in terms of importance (1-5. 1 = great, 5 = No)

1. Doesn't the employer have a right to know all the facts about all candidates for the position?
2. Would revealing the information help Horace's reputation for doing a good job?
3. If Horace doesn't reveal the information, wouldn't someone else tell the employer sooner or later?
4. Since the work Jerral is going to do is such a joke anyway, does it make a difference what Horace does?
5. Hasn't Jerral shown in the last twenty years that he is a better person than he was as a teenager?
6. What would best serve society?
7. If the information Horace has is true, how can it be wrong to tell the employer?
8. How could Horace be so cruel as to report the damaging information to his boss?
9. Does the right of "habeas corpus" apply in this case?
10. Would the hiring be more fair with or without the boss knowing?

11. Should Horace treat all applicants the same way by telling everything he know about them, good or bad?
12. Isn't it Horace's duty to give a complete report to his boss regardless of circumstances?

Rank which issue is the most important (item number): Most important item _____; Second most important _____; Third most important _____; Fourth most important _____.

Story 3

The board of trustees of a church was having trouble with their minister. Although the church owned the minister's house, Rev. Williamson paid the mortgage directly to the bank himself. When he missed several payments, the bank threatened to seize the house.

Few members outside the board knew this and Rev. Williamson was very popular with most other parishioners. The board had the power to fire the minister but they decided to hold a congregation-wide meeting to explain their concerns and to get the views of all the members

When the board mentioned their thoughts about dismissing the minister, so the meeting got out of hand before a full explanation could be offered. The meeting was postponed until tempers could cool. Things just went from bad to worse. Arguments broke out in the pews and board members received threatening letters. The board thought they might call off the next meeting and proceed to fire the minister straightaway.

Do you favor the board calling off the next meeting? (Mark one)

Take drug 1. Strongly Favor; 2. Favor; 3. Slightly favor; 4. Neutral; 5. Disfavor; 6. Strongly disfavor

Rate the following 12 issues in terms of importance (1-5. 1 = great, 5 = No)

1. Is the board required by law to have membership meetings on major church decision?
2. Would the board be breaking its promises to the congregation by discontinuing the membership meetings?
3. Would the congregation be even angrier with the board if they stopped the membership meetings?
4. Would the change of plans prevent scientific assessment?
5. If the board is threatened, does it have the legal authority to protect the board by making decisions in closed meetings?
6. Would the congregation regard the board as cowards if they stopped the membership meetings?
7. Does the board have another procedure in mind to ensure that divergent views are held?
8. Does the board have the authority to expel troublemakers from the meetings or prevent them from making long speeches?
9. Are some people deliberately undermining the church board process by playing some sort of power game?

10. What effect would stopping the discussion have on the congregation's ability to handle controversial issues in the future?
11. Is the trouble coming from only a few hotheads, and is the congregation generally fair-minded and democratic?
12. What is the likelihood that a good decision could be made without an open discussion from the congregation?

Rank which issue is the most important (item number): Most important item _____; Second most important _____; Third most important _____; Fourth most important _____.

Story 4

As a result of a close election in which there have been accusations of fraud, a recount has been ordered by the court. Supporters of the winner on the first count have organized a demonstration. The police have been called. When supporters of the losing candidate arrive, they are turned back by the police. They then picket downtown, causing traffic to come to a halt. The mayor demands that the second group of demonstrators disperse. Instead, they march on city hall and camp on the steps. No one can come in or out of the building. Were the protesters right to demonstrate this way?

Do you favor the action of the second group demonstrating this way? (Mark one) Give more medicine 1. Strongly Favor; 2. Favor; 3. Slightly favor; 4. Neutral; 5. Disfavor; 6. Strongly disfavor

Rate the following 12 issues in terms of importance (1-5. 1 = great, 5 = No)

1. Do the demonstrators have any right to take over property that doesn't belong to them?
2. Do the demonstrators realize they might be arrested and fined?
3. Are the demonstrators serious about their cause or are they doing it just for the fun of it?
4. If the mayor is soft on demonstrators this time, will it lead to more disorder?
5. Will society blame everyone who voted for the losing candidate for the actions of a few demonstrators?
6. Are the authorities to blame by not running a flawless election in the first place?
7. Why should the mayor have more power than ordinary people?
8. Does the demonstration at City Hall bring about more or less good in the long run for all people?
9. Can the demonstrators justify their civil disobedience?
10. Shouldn't the authorities be respected by the demonstrators?
11. Is taking over a building consistent with principles of justice?
12. Isn't it everybody's duty to obey the law, whether one likes it or not?

Rank which issue is the most important (item number): Most important item _____; Second most important _____; Third most important _____; Fourth most important _____.

PART THREE

This section is a set of ethical case studies. After each vignette, I give you my response to it and whether I think the person did the right thing. I give you the reasons why I reach the conclusion I do. But I know that each problem is difficult and can be viewed in a variety of ways. So for each dilemma I've asked a different person to respond. Sometimes the two of us agree. Sometimes you disagree — over facts, over interpretation, over values, over principles, over the prediction of what is going to happen.

The best way to read this section is to take one case at a time. Answer the questions I pose at the head of the vignette before reading the situation. Think it through for yourself. I don't want you to be biased by the discussion that follows. Make sure you make a note of whether you thought the person did the moral thing.

Then read through the reactions and when you are finished, go back and answer the questions again. Which arguments did you find most persuasive? Why? Do you understand the problem in a new way? Did you change your mind after your read the commentary?

Go on to the next problem and go through the same process. When you have finished all twenty-one dilemmas, think about the pattern that your answers form. Can you find a thread that holds them all together? Do you want to re-think anything?

As a final step in this section, find someone else who will also go through the same process as you. If there are several of you, so much the better. Then have a discussion based upon each question, one at a time. Try to understand each others' reasoning, just as you tried to understand the reasons given by the respondent and me.

If you go through these steps, you are bound to improve your moral IQ, as discussion and reflection deepen your ability to make sound ethical judgments.

Being Ethical to Those Closest to Me

Chapter Eight

How Do I Know What Is Fair?

Karen is a single mother of three. Maria, 10, is a smart, talented but underachieving and petulant child. Greg, 12, is a hard-working, sweet boy who needs little attention to remain an average student. Valerie, 14, was born with a debilitating chronic illness. Given constraints upon her time, Karen has decided to divide her time equally amongst all three children.

Some questions to ask yourself

1. What is fairness?
2. Is fairness the same as equality?
3. Which is more important, equality or equity?
4. Are fairness or equality useful concepts for a family to consider?
5. How do you decide which child should most benefit?
6. How do you measure benefit
7. How do you decide which child should make the greatest sacrifice?
8. How do you measure harm?
9. Do you think Karen did the moral thing?

The Problem: Choosing between talent, need and goodness

Karen's problem is impossibly difficult. It is parent's bad dream. But as extreme as this appears, it is common variation that many a parent face when making out a will. I know my wife and I had to think hard about what to do with our estate. You have two children, a foster daughter and two grandchildren. How much money do you leave each child? Do you look at each child and decide who has the greatest need? Do you base you decision on the basis of whose life-style you most approve and who will put it to best use? Do you decide to treat each family as a unit or each person as an individual? This last option isn't so much a problem as long as each family has an equal number of children. But what do you do if this changes?

Every choice has it proponents, each choice its critics.

While this vignette is fictional, it is close to a real one I am familiar with. Jocelyn had three children. She had a girl, Stacey, from her first, brief marriage. Two sons were born in her second marriage. The daughter was a troubled child. She loved her a great deal but no more than she loved her two sons. No matter what she did for her daughter it was never enough. Stacey was highly destructive to family life. She was abusive, stole from the family and began to use drugs. Stacey took so much time, energy and money away from her two boys that she eventually forced her daughter out of the house. Jocelyn continued to love Stacey, but she felt that she couldn't sacrifice the lives of her two sons. Until her own death, Jocelyn felt guilty about excluding Stacey but she was also convinced that she had done the right thing.

This vignette raises some of the most perplexing issues in all of moral philosophy. It pits three interests — that of the talented, the needy and the average — against one another and asks us to decide what is the fair way to divide our time and resources. While posed in terms of domestic considerations, the issues it addresses apply to the larger world as well. A school board, for example, has a budget and must decide whether to spend its money on average students (the largest number), talented students (those who may make the largest contribution to society) or handicapped students (who, per capita, are the most expensive to educate).

Those In Need: The difference between can't and won't

Since biblical times people have been instructed to care for those in need, the orphaned and the widowed. But this can't mean all orphans and all widows. There's the old joke about a man who kills his parents and then asks mercy from the court because he is an orphan. Only a ludicrously strict reading of the injunction would move a court to such pity. The widow from a wealthy family who has no financial worries does not require special consideration in terms of money. If orphans and widows need special attention it is because, generally, they are vulnerable, particularly in traditional societies in which nearly all means of support are out of their control. When the husband and father died, wives and children had to depend upon the goodwill of others for their survival.

This concept of caring for the needy has been extended over the centuries to include, amongst others, people who are poor, unemployed and disabled. The question of how far to spread welfare and who is to be supported by it remains a difficult matter of public policy. Social policy debates over revamping New Deal and Great Society

legislation have revolved around, at least in part, the following questions: Do you support all the poor or only the deserving poor? How do you define "deserving" and how do you determine if the person deserves society's support or not? Does making an effort count? What about those who can't make an effort, or is it the case that everyone can make an effort no matter how limited they may be? Who is handicapped and how much does a society need to do in attempting to make the environment handicapped-accessible?

Knowing when someone is making a real effort is no easy matter. Sometimes I can't tell myself whether I am lazy or whether something else is interfering with my will power. Once I was sick and didn't do much for about a week. I didn't know if this was because I didn't *feel* like working or because I wasn't *able* to work. The dividing lines between lack of motivation, physical enervation and depression were blurred. Maybe I was using the illness as an excuse to get out of doing some unpleasant chores. Maybe I just wanted a good reason to get away from some responsibilities. Equally plausible was that the virus sapped me of my will and caused my lethargy. Occasionally, a pep talk from my wife helped, but mainly nothing made a difference. For a week I was content to stay in bed watching hours upon hours of television, something very unlike me. Only when my illness was correctly diagnosed as Legionnaire's Disease and treated did I return to myself.

If I couldn't tell the difference between "can't" and "won't" about myself, how nearly impossible to tell about another. But this is the kind of judgment you do make about those who depend upon us. And it is this sort of question that Karen faces in an immediate way. There are three people who are reliant upon her in varying degrees. She

feels responsible for all and has responded to them by giving each an equal amount of time.

Karen could have reached her decision for one of two reasons: out of sheer despair in trying to find a better way to handle the demands or a belief that fairness means absolute equality.

From one point of view, an equal division of time between all concerned is unfair. For example, Karen probably would not think that the best way to feed her family is by giving each an equal portion of food. Some people need to eat more than others, some have higher metabolism rates. Likewise, she may also choose to reward one with a treat because he or she helped in a special way. It is unfair to treat people differently for arbitrary reasons, such as simple dislike, but there may well be good reasons to treat people unalike as a matter of fairness.

Merit: What a person deserves

One way to analyze Karen's decision is to distinguish between *need* and *merit*. All three need Karen but for different reasons. Children need a parent's attention and affection. The children, however, are different from one another. Maria is intelligent and talented. She is also a pain in the neck. I guess that if you ask Maria what she wants from her mother, she might say, "To be left alone." However, Karen shouldn't give Maria only what she wants for it may not be in her daughter's interests in the long-run. Besides, wants are complex, especially so for an almost-teenager. If Karen were to leave her alone, Maria's talents may remain dormant. This would be unfair to the Maria who isn't yet, the adult Maria-to-be. Maria's real need, therefore, is to be encouraged, coaxed and cajoled by her

mother, to be supported to overcome her petulance and develop both her mind and her talents. She deserves Karen's attention not because she merits it based upon what she does but because of who she is, that is, she is Karen's daughter.

Greg, you are told, is a likable kid. He is hard-working but lacks Maria's abilities. Unlike his sister, Greg is a hard-worker. Despite this, he his school grades are mediocre. His mother's encouragement wouldn't make much of a difference. He simply lacks his sister's potential. Maria's ability, however, are latent. By objective measurements used in school, Greg surpasses his sister. But no matter how hard his mother works with him he will never be more than an average student. However, neglecting him isn't an ethical choice since he is as deserving as Maria, for the same reason, mainly, he is Karen's child. At the same time, you can say he deserves more from Karen than does Maria because his efforts should be rewarded. He has taken responsibility for himself in the way that Maria has not. From one point of view, he should be rewarded for acting responsibly. That would mean giving less to Maria.

There is another child in this family. Valerie is disabled. She didn't cause her condition. She doesn't deserve her lot. She is a victim of circumstances. If she doesn't receive extraordinary attention, she will always have something less than a full life. However, to give her what she needs in order to reach an acceptable level means taking something away from the other two children, who are deserving in their own right.

Merit: The relationship to being good

If Karen were to give her attention based upon personal likes and dislikes, she probably would give the least to Maria. Maria is, after all, a difficult child. Greg, on the

other hand, is earnest and Valerie can't help but elicit a strong sense of sympathy. If Karen were to give more attention to the one that could use it the most, it would probably be Maria since the extra effort is likely to lead to greater results. She, after all, has untapped talent and intelligence. In so doing, she would be penalizing Greg since he would lose his mother's attention relative to his sister through no fault of his own. Furthermore, Maria gets the additional time only because of an unfulfilled potential, not through a deserving effort. Although Greg tries hard and his sister does not, she would get more from his mother than he does. Valerie would also suffer.

This vignette echoes the parable of the prodigal son found in the Christian bible. In this story, a older brother leaves home upon receiving his share of his father's property. Through foolish spending and debauchery, he becomes penniless. Repenting his ways, he returns to his father's home, asking forgiveness. His father gives him a robe, a ring, shoes and slaughter's a sheep on his behalf. The younger son, seeing this, becomes angry since he had remained loyal to his father. He complained that despite his steadfastness, he never received such treatment from his father. The father answers by explaining that the older son had always been with him but the younger was as good as dead but now is alive again.

The parable stands for God's forgiveness of sinners. But from a moral point of view, it is questionable. It seems to say that those who are a constant can be taken for granted; those who stray and return will be showered with love. But why should Greg lose his mother's attention because Maria is indolent? At the same time, Maria may have a greater need for her mother's attention. She may have a greater psychological need than Greg — more unsure of herself, more confused, more vulnerable. There is no way to really know, without understanding more of the history and dynamics of the family life.

Greg merits more of Karen's attention if merit is measured by being a good person. Maria merits more of Karen's attention is merit is measured in terms of potentialities. And Valerie deserves the most attention is merit is measured in terms of need. Greg is now getting enough from his mother, but Maria could use more. Maria, therefore, is needier than Greg. But Greg's needs may grow if time is diverted to his sister. Like the elder son in the biblical parable, Greg may turn resentful. In order to mollify his hurt feelings, Karen would then have to turn her attention once more to her son.

What moral guidance can anyone give Karen? I'm not sure. She is faced with a Sophie's choice: one child has to be sacrificed in order to save another. Given these complexities, Karen's decision is a fair one, although mechanical. Love, affection and care can't be toted up as in a ledger. But time is an objective measure by which she can keep herself on track. Although she may do better if she concerned herself less with the clock, it does provide her with a helpful structure. The claims of equality and considerations of need and merit are difficult matters both conceptually and practically. Philosophers, politicians and social scientists struggle with them. Karen's solution, I believe, is fair. Other decisions are possible and could also be viewed as fair. What makes this anecdote so difficult is that each of the three competing claims are legitimate and each in its own right demands consideration.

Culture: Two ways of understanding fairness

Consider a 1983 study of traditional and modern healers amongst the Akamba in East Africa. They were presented with this question: "To which patient should a doctor give the scarce life-saving medicine" when faced with two critical patients but only

enough medicine to save one. The Akambas tended to respond that they would divide the medicine equally, risking death for both patients, rather than privilege one over the other.

This is a different decision than most Americans would make. In 1993, Angela and Amy Lakeberg, both attached breast to belly, shared one liver and one heart. There was no chance of survival for either if they remained in the conjoined state. Her parents decided to save one at expense of other. At Children's Hospital, in Philadelphia, surgeons deliberately cut off circulation to Amy to salvage the heart for Angela. British courts reached a similar decision in 2000, over the protests of the parents who didn't want the twins separated because it meant the inevitable death of one even though not having the operation would be the death of both. The court said it boldy, To save one child the doctors had to kill another.

While usually something cannot be both right and not right at the same time, I think the American and Akamba ways of looking at the matter of fairness are both correct. There is no rational way to choose one over the other. They are two ways of understanding fairness and they are both correct, even though they lead to different actions. The differences turn on cultural, not moral choices. Or, more accurately, the values of a culture highlight one kind of fairness over another.

John Mbiti, a theologian from Kenya, a professor of world religions at Princeton University until his appointment in Switzerland, refused to discuss Karen's situation as a moral issue.

"I question whether it is right, to turn the life of Karen and her children, into an ethical problem, hanging between right and wrong. Does she consider her action, her decision, and her life with the children, to pose an ethical situation? What about her

children: is it fair to look at them as posing an ethical problem for their mother? How would they feel about that if they knew that they were so regarded by society? I do not feel comfortable about discussing Karen and her family as an ethical problem. This isn't a question of right or wrong. It is a family situation, which requires such action on the part of the mother. At times, the illness would necessitate more attention than at others. Valerie and Karen, as well as other children, grow into such a routine of life, accept it and live with it."

Mbiti accepts Karen's approach. He says, "Each of her children needs her time. It is right and proper, that she shares it on an equal basis." But Mbiti also says that "this need not be done mechanically: at times, one or the other child will need extra time from her. At times, Karen will spend time with the children collectively as a group. Far more important is the content of that shared resource. The content, that is, what she does with the children (individually or together) has more value than just the mathematical sharing of time. The children, whatever their individual situation may be, are growing up. Changes will come upon the children. Their needs will also change. Karen's time for them will have to be adjusted accordingly."

Love and Care: Is this fairness?

Mbiti and I both agree that, as he says, "the intensity of her love and care, the attention and recognition she gives to each child, the encouragement and hope she instills in each child, the self-confidence she helps grow in each child, the trust she builds in each child have to be cultivated and nourished, and in the long run, it may not matter whether Karen divides her time 'equally' among her children. It is these values that may last longer

and give a deeper support to the children, than merely the mathematical portions of passing time."

Assuming all this to be true about Karen, she still had to make a decision and the one she made was for absolute equality. There are some things that don't have a perfect solution or maybe even a good solution. So you do the best you can. As long as a concern for fairness and loving care are at the root of her decision, it is an ethical decision, no matter the type of fairness that she chooses to employ.

Chapter Nine

Should I Always Keep a Confidence?

Dan, 15 years old, enjoyed talking to his friend's mother, Nicole. Many times he confided his problems to her. Now he came to the house to ask if he could talk to her confidentially. After she agreed, he told her that he had saved enough money to run away. She tried to convince him otherwise but failed. As soon as Dan left her house, Nicole called his parents to tell them of their son's plans.

Some questions to ask yourself

1. Should you always keep a promise?
2. How do you decide which confidences to keep?
3. Is it legitimate to share another's confidences with someone in your family?
4. Is it OK to share confidences with another person who may help you?
5. Under what circumstances should a confidence be broken?
6. Does the age of the person who talks to you confidentially make a difference?
7. Did Nicole do the right thing?

The Problem: Does a confidence require absolute silence?

People confide in me all the time, sometimes as a friend, sometimes as a their teacher, sometimes as their counselor and sometimes as their minister. Each time I need to

decide whether I can repeat all, some or none of what is told to me. Of all my roles, the one that is easiest to put a fence around is that of clergy. I have no doubts that the conversation between a member of my congregation and me is not to be repeated to anyone under any circumstances, unless I get the person's permission to do so. I am even reluctant to repeat a story to colleagues, even when the name is disguised and the presentation can serve a useful, educational purpose. My circumspection applies equally to my wife. She knows nearly nothing about what any member of my Society has ever told me that in anyway I construe to have been told to me in confidence. I apply my net wide, always assuming that the discussion is confidential unless the matter is truly trivial or inconsequential.

I do this because I believe that what people tell me in my ministerial role is meant to stay just between the two of us. Without this implicit trust people are less likely to speak to their spiritual leaders with any degree of trust. In a sense, it is like talking out loud. You assume that the room isn't bugged. You need to unburden yourself, to say the most awful things, to reveal the most hideous thoughts and to reveal the most heinous behavior. You do this not to feel better but to get guidance on how to go on with your life. If you didn't believe that what you say would go no further, would you ever say it?

Professional confidentiality: You need to be revealing so the person can help

Professionals, such as doctors, lawyers, psychotherapists, social workers and clergy, place a high premium upon confidentiality. By and large, the law even protects conversations with these designated professionals. They receive legal exemptions from

revealing information obtained during the course of performing their duties, conversations that other people would be legally required to reveal if asked to do so in court.

There is wisdom in this. You need to trust our doctor. You won't be candid with a physician if you think that the information you give her can be used for purposes that may be used against us. But the even the confidential relationship between patient and doctor has limits. For example, physicians must report to the police anyone who has been shot. The same goes with lawyers. Lawyers don't tell the judge what clients have told them in preparation for a defense. If this weren't so, it would be impossible for the defense to adequately defend the client and therefore fair trials would be unobtainable. Yet lawyers, at least according to one of the codes of ethics which guide trial attorneys, must reveal perjuries committed by their clients. The same for psychotherapists. A decision in California two decades ago has become a landmark for that profession. In the Tarasoff case, the court found a psychotherapist guilty for having failed to warn a victim that his patient intended to murder her.

Professional confidentiality: Serving society's interests

Confidentiality is a privilege extended to certain categories of individuals who perform a service because you believe that it best serves society's interests if individuals can be assured that what they say to an advisor will not be used against them. If a patient were afraid to tell her doctor openly about herself, the doctor may not be able treat her properly. Or the person may not come to the physician in the first place. This latter point has been the argument used in several states to prevent doctors from revealing the results of tests of a patient who tests positive for AIDS. (The counter-argument is that the public

interest is best served by treating AIDS in the same way that other contagious and potentially deadly diseases are treated, mainly by mandating reporting to public health officials.)

The doctor-patient — and lawyer, therapist and clergy — relationship must rest upon trust. It would be a sad world if you didn't know for sure that the person you turn to when you are most vulnerable might reveal that information to someone else, someone not of our own choosing, a person who didn't have your best interests in mind. Or at least that if the information weren't an absolute secret, at most it would be shared with other colleagues discretely and only for compelling reasons.

Shortly before he died, someone confessed to me a crime he had committed years before. He said that everyone thought that his alcoholic wife died in an accident in the home. Actually, he couldn't bear her any longer and he killed her, making it look like an accident. He told me because he needed to assuage his guilt and die with a less burdened conscience. I don't think he would have told me the story if he thought that in any way I would betray his trust even after his death. Although he wouldn't be alive to know what I did with the information, it was important to him that it not be made public.

Confidentiality: Respect for human dignity

The concept of confidentiality, then, rests upon the assurance that you will not be betrayed. For this reason, one spouse cannot be made to testify against the other. (Oddly enough, this privilege isn't extended to parent-child relationships. I see no good reason why this should be so.) A good and stable marriage requires a high degree of trust, openness and honesty. Totalitarian governments encourage family members to spy on one

another, report deviant behavior or thought. Despots know that the ability to keep something secret is a form of power and, in dictatorships, no power is allowed other than that of the government. Confidentiality contributes to human dignity by protecting an individual from unwarranted intrusion.

Keeping someone's confidence is a sign that you respect him. He has revealed something of himself to your, perhaps a secret, and you in turn protect what he has said. But sometimes keeping a secret and what is best for a person isn't the same thing. For example, a child talks to her teacher about beatings she receives at home. Is it really in the child's interest that the teacher not report this child abuse? Some states have decided that it is not and have gone a step further. It is a crime *not* to report such allegations. As a matter of public policy and law, in New York, as elsewhere, a teacher cannot keep her student's confidence once the child has either talked about abuse or the teacher has a reasonable belief that such abuse has taken place. Teachers are not offered the shield of confidentiality which is extended to lawyers, for a lawyer who knows that a client has abused a child cannot report it since this would jeopardize the client's ability to receive a fair trial, something to which everyone in our society is entitled. But in the instance of children and teachers, in order to protect the child, government authorities invade a family's privacy.

A Social Worker's Advice: The initial mistake

In this story, however, you are not dealing with either professional confidentiality or with family. So I asked a social worker what she thought of Nicole's actions. Joan Beder teaches social work ethics at Yeshiva University. She states that Nicole has made a

couple of errors. “I would have hoped, that Nicole would have stated the limitations of her interchanges with Dan, especially as he is only 15 years old. She shouldn’t have agreed to the conditions of confidentiality. Nicole, who was acting out of caring and generous motives, may have made a judgment error to freely assure Dan that his secret would be kept between them.”

But that’s past history. At this point Dan is talking to Nicole. What should she do then? “As a friend, which Nicole was to him, her best path would have been to try to understand his motivation to run away, empathize and console and urge him to try to work this out with his family. Had I been Nicole,” Beder says, “I would have urged Dan to attempt to reconcile with his parents, would have looked with him at his motives for running away, would have attempted to help him see where change could occur, where he might be able to work with his family rather than leaving them.”

There are some lines of discussion that Beder would stay away from. “I would have tried to avoid what this would do to his parents in terms of their anguish and worry. This line of discussion might solidify his motivation to run away, as upset, anguish and worry might be what he wishes for his parents. I would also have avoided talking about how upsetting this might be to Nicole's child, Dan's friend. Guilt does not seem to work too well under these circumstances, having the potential to fuel the anger of the individual rather than not.”

If, after listening to Nicole Dan decides to runaway anyhow, then what? Beder notes, “As a friend, Nicole had an obligation to tell Dan's parents and protect him from making a poor decision. A friend often has to look out for their friend's welfare in complex ways. What Nicole was risking in calling Dan's parents was that she would most probably

lose his trust and friendship. Dan might subsequently have difficulty trusting other adults in the future. But Dan is a troubled youngster and the bonds of friendship and belief in what is best in the situation demand that action be taken. So the value of confidentiality is overridden by the knowledge of how disruptive Dan's running away would have been."

Act: Know what are you agreeing to

I agree with Beder. Nicole is right in judging that Dan's parents, not she, have the larger responsibility for Dan's welfare. To this extent she is correct. At the point at which Dan walked out of her house, it would have been cruel for her to be indifferent to Dan's parent's frantic worry. Because she talked to Dan and he trusted her, she cannot turn her back on him now. I would question her real motives about being Dan's confidant if she did nothing and left his parents in ignorance. Her duty to help Dan overrides her promise to him. No matter how strained his relationship may have been with his parents, they must know. To feel bound by a promise of confidentiality is to place a principle above the interests of real people.

I also agree that Nicole's real problem stems from having agreed to listen to Dan under the conditions, which he set out in the first place. Much better would have been for her to have said something such as, "If you want to tell me something, fine. But I can't promise you that I'll keep it secret until I hear what you have to tell me." At that point, Dan may have chosen not to say anything and run away in any case. Then she would not have even had the chance of talking him out of it. But if her relationship with him had really been a good one, she probably could have gotten him to talk to her. With some

gentle coaxing he might have told her what was bothering him so that he felt he had to leave his family.

It is risky to agree to hold a confidence before you know what the person is asking. Too easily the secret becomes a manipulation; it makes the hearer impotent. To ask another to hold a confidence can be a tool of control. It is important that you can count on the confidentiality of professionals, but in personal relations the real issue is trust between people. In the past, Dan has trusted Nicole — that's why he has talked to her. Nicole does nothing to enhance that trust by agreeing to Dan's request. By honoring her word she has betrayed his family; by breaking her word she has betrayed Dan. There was no good reason to put herself in that position in the first place. Once having made that error it would only have made things worse by sticking to it.

Chapter Ten

Do I Reveal a Secret If I Think It Helps?

Randall, 18, suspects that his sister Lisa, 16, is adopted. He asks his parents if it is true. Reluctantly, they tell him that she was adopted. They had decided not to tell his sister because they thought that it was best for her not to know. They wanted her to feel no different than any other child. They ask Randall to keep the secret. Randall disagrees with them about continuing to keep the information from Lisa and tries unsuccessfully to persuade them to change their minds. He decides to tell Lisa the secret about herself.

Some questions to ask yourself

1. How do you decide which information to share with others?

2. If you know something about someone that they don't know about themselves, should you tell them?

3. If you believe that the secret you have been sworn to keep you believe is now harmful, must you continue to keep quiet?

4. Under what conditions should a secret be revealed?

5. Did Randall do the moral thing?

The Problem: The need for knowledge

Nearly everyone has a secret. Some are fun, such as planning a surprise party. Some are trivial, such as liking trash movies. Some are embarrassing, such as things done in private. Some, though, may be significant, such as having been previously married.

Small and trivial secrets don't amount to much. But big secrets often have a big impact even as they remain secret.

What do you do when you know something about someone that she may not even know herself? This is often a burden and a strain on a relationship. But is it ethical to reveal it?

Family Secrets: Fear and shame*

A graphic and macabre example of a long-kept family secret became news during the testimony of Sabrina Yaw at a trial in New York City in 2000. For 21 years she had lived with a secret that began when she was nine. She said that she remembered watching her mother and older brother beat her baby sister to death, then place the body in a wooden trunk that was put in a bedroom closet. Sabrina kept her sister's murder a secret because she feared for her own life. She revealed what she knew only when a brother approached her with suspicions that he once had a twin sister who had disappeared years before, when he was too young to remember. Only then did Sabrina tell Andre what she knew. Even then she swore him to secrecy. Andre was horrified and immediately went to the police who found the mummified body in the family's apartment.

Family secrets are rarely as dramatic as this one, but something like it must have given rise to the expression, "Having a skeleton in the closet." Where there are secrets

there are alliances; where there are secrets there are insiders and outsiders; where there are secrets there are suspicions; where there are secrets there are deceptions, half-truths, cover-ups and lies. All this has an impact on how a family functions.

Family secrets are commonplace. They may be minor, such as hiding having had cosmetic surgery, or they may be major, such as not having told a spouse about having other children. Secrets often involve matters that are considered shameful or too hurtful to reveal. Mental illness, drug addiction and physical or sexual abuse frequently go unspoken. While adoption is more open than it has ever been, it remains a secret for some.

Adoption: Why there are secrets

I have a special interest in secrets around adoption because my wife and I have an adopted daughter who is now grown with a family of her own. In 1966, attitudes around adoption were just beginning to change. Most adoptees were still shielded from a significant fact of their own lives, but our social worker's advice to us was that we should talk about my daughter's adoption early on It shouldn't be treated as though there were something shameful that should only be revealed with time. Despite this openness, there was still a secret surrounding the adoption. We were given very little information about Kori's birth parents. The records were sealed. This wasn't for our daughter's sake, but for the sake of the biological parents, to protect their privacy. For what wasn't shameful to us might have been shameful to them.

Keeping Secrets: Weighing benefits and harms

The morality of holding secrets around adoption comes down to this: Who benefits and who gets hurt? If an adopted child wants to know the identity of her biological parents and is granted such information, she may contact them, thereby being reminded of what they may not like to think about. Who knows but they may never have consented to the adoption if they had known that someday their identity might be revealed? So promises were made to them, for better or for worse and those promises are still honored today. Of course, the adopted child never consented to this agreement, but infants never consent to arrangements adults enter into.

Since you don't know very much about Lisa's family, let's assume that they kept her adoption secret because they thought this was in her best interest, not because they were ashamed of what some might perceive as their failure to have "their own child." The secret, then, isn't for their sake but for the sake of their child.

Paternalistic secrets in families are fairly commonplace. A person has been diagnosed with AIDS and may choose to keep this knowledge from the rest of the family, to spare them the anguish of knowing the truth that someone they love is gravely ill with an illness carries a social stigma. Or the family may know the patient may have terminal cancer and with the complicity of the doctor keep this information from the patient himself.

I knew a woman who was in home hospice but the family never told her that it was anything more than temporary nursing. Until two days before she died she talked to me about getting back on her feet. Her family, I suppose, wanted to keep her spirits up, so she never talked to me about her impending death. This, I believe, deprived her of what

could have been a rich experience. But this was her daughter's choice — to not tell her mother the truth — and it wasn't for me to up-end the deception.

Knowledge: Power and trust

I asked a psychotherapist who specializes in individuals and families what she thought about Lisa's not being told about her adoption. Sherry Hartwell, who practices in San Diego, says, "Lisa's parents intended no harm. They wanted to protect Lisa and the integrity of the family as a whole. Inadvertently, the parents may have made the situation worse because they could not see Lisa's potential for handling incrementally the adoption facts as she was growing up."

Hartwell's point is a basic one: Knowledge is power and when you deprive someone of significant knowledge, you have power over them that may do them harm. "Unfortunately," Hartwell continues, "Randall, Lisa, and Lisa's parents did not have the benefit of the current attitudes and approaches to the process of adoption that society has come to accept. However, these new attitudes provide a particular background or context for this family's reconsideration of the secrecy of Lisa's adoption."

Randall, frustrated by his parents' refusal to tell his sister the truth about her biological roots, forces the issue by giving Lisa this information about herself. Randall seems to share the current thinking on adoption: tell the truth. He first goes to his parents. After all, they imposed the silence. But they won't listen to him. So he takes it into his own hands.

"Randall in developing his own values has become adamant that the truth be told," Hartwell says. "But he does not yet know much about this truth nor can he foresee

how telling will impact the family. What the family now faces is both the fact that Lisa was adopted and the deception surrounding it."

Randall, in revealing the secret, now creates a new set of conditions. "The fundamental experience of trust or lack of trust is part of the crisis in this family. Randall's decision will affect the family as a whole and each individual in ways that cannot be foreseen. It is likely that the fundamental issue of trust will be repeatedly brought into question as the family members process this emotional and psychological crisis. Randall's action offers the possibility of a family coming to terms with a secret and developing new capacities — psychologically, emotionally, and morally." Hartwell continues, "Randall's insistence on telling Lisa the truth will most likely lead to different understandings of Lisa's and Randall's upbringing."

A Moral Dilemma: Respect vs. responsibility

Randall's moral dilemma is being caught between respecting his parents' wishes and his responsibility to his sister, between being trustworthy and being truthful. Assuming that Randall cares about Lisa, his telling her is an expression of his love for her, not a sign of disrespect for his parents. If he thinks that she is disadvantaged because of her ignorance and that she will be better off with the knowledge that her adoption, then it is right that he tell her despite the parents' wishes.

There is no way of predicting what will happen once Randall tells. "The outcome will depend on how well each family member manage the emotional upheavals each will feel," Hartwell notes. "The dangers are great. Family members in the face of a crisis can cut off from one another emotionally for some period of time."

It seems to me that two things are plausible: the parents will be relieved of the burden of deception and they will be furious with Randall. It's also possible that Lisa will feel relieved once she gets over the shock. (It is hard to believe that she had no hunch she was adopted.) However, there is also the risk that the parents will feel that they can't any longer trust their son. Furthermore, there is the possibility of a more extreme reaction from Lisa. She may be so overwhelmed by the news that she will be angry and sever her relationship with the entire family.

There are risks either way. Yet it is hard to imagine that Lisa would have been in the dark her entire life. Sooner or later she is bound to find out about her adoption. For example, what would her parents tell her when she's asked by a doctor about her family history so she can assess the risks Lisa faces in terms of inheritable diseases? Hartwell makes this point a little more generally: "Lisa has been deprived of choice(s) related to gaining knowledge of her biological parents. This keeps her from acting authentically as an agent on her own behalf." People have a right to information about themselves. Without such information they are deprived of the ability to lead their own lives as they see most fit. Respect is a central moral value and keeping back this information from Lisa is not to trust her ability to conduct her own life.

Acting: Taking a guess about the future

There is also a practical point here. Someone, sometime will let the secret slip. If there are three people in on a secret, chances are that there are really more than three. It is better that Lisa find out the truth about herself from someone who cares rather than

stumbling across it without the benefit of having a loved one there to cushion the shock, to offer support, to put it into context.

Generally speaking, family secrets are harmful to good human relations. I believe this strongly when it comes to adoption. It will be best for everyone when the adoption is spoken about openly and it is accepted as merely another fact in the family history.

Randall took a chance in talking to Lisa. He should be commended for it — provided he did it generously and with sensitivity. If he were motivated not by love for his sister but something else, such as jealousy and the desire to place her further on the outside, then his actions would be judged differently. But I am assuming that Randall does care about his sister and that he wants the best for her, and he tells her for her own sake, not his own. I hope his parents can accept his act of defiance as an expression of his love for his sister. In my experience, when a family secret is exposed in a caring manner, the family is stronger for it. People grow closer together when they can forgive one another. The newfound honesty in the family may lay a better foundation than the one they now have for a healthy, workable emotional intimacy, one that has been cleared of the tangle of deceit and half-truths that often surround family secrets of this sort.

Chapter Eleven

Does My Child Right to Privacy?

Fifteen year-old Anthony recently has been moody and sullen. His parents are worried but Anthony will not talk to them about what is bothering him. His grades have gone down and his parents are worried that he may be suicidal. One day he is on the telephone with the door closed. His parents overhear that he is confiding to a friend. They can't make out what he is saying. They decide to eavesdrop by listening in on an extension.

Some questions to ask yourself

13. Would you make a different judgment if Anthony were older?

14. What if he were younger?

3. What are the relevant facts for his parents to consider?

4. Should parents have the right to set the rules about what happens in their home?

5. Does the right to privacy apply to children?

6. How far should parents go in protecting the well being of their teenage child?

7. Does a parent have the right to know everything about their child?

8. Do you think that Anthony's parents made the right moral choice?

The Problem: Protecting privacy vs. acting on partial knowledge

If you are a parent, you worry about your child. It comes with the territory. And your anxiety increases as your child reaches adolescence. It's a tough time for both of you. Just as your daughter tries to figure out who she is, what it is she believes and the person

she wants to become, she is also extremely sensitive and vulnerable. Peer pressure is enormous and it natural for her to physically and psychologically distance herself from you. Her emotions are sometimes at a fever pitch and sometimes they plummet into the depths of loneliness and despair.

All this gives you good reason to worry. In all likelihood, though, despite the tears and traumas, she will be all right. Most teenagers survive adolesence fine. Unfortunately, there are increasing numbers of teenagers who are unable to cope with these stresses. For them suicide seems like a way out of the depression in which they find themselves. So Anthony's parent's worry isn't such an exaggerated concern of an over-involved parent. Maybe she knows the report from The Centers for Disease Control and Prevention. In a 2000 study the CDC reported that 8% of all American students have attempted suicide within the year and another 20% have thought about it. This means that more than one quarter of all students have flirted with the idea of ending their own lives. Suicide is the third leading cause of death in people between 15 and 24, surpassing all illnesses. On Long Island, where I live, the Long Island Crisis Center receives more than 4,000 calls a year from teenagers contemplating suicide.

Privacy: Do children have such a right?

So were Anthony's parents justified in picking up the telephone to listen in on a conversation which they thought would give them a better understanding of their son's true state of mind? I asked Barbara Ehrenreich, a noted social critic who spends a lot of time thinking about relationships in the modern world.

Ehrenreich and I disagree on a number of points. Her first point is philosophical, as she makes a moral claim.

“Eavesdropping is a mistake,” she said. “First, because it is a violation of Anthony's privacy — and teenagers, even sullen ones, do have a right to privacy.”

But do teenagers who live in their parents’ house have a right to privacy? I wonder. Here my agreement with Ehrenreich is partial. It’s fair to say that Anthony and his parents think that he does. He has a telephone in his own bedroom, for example. People have telephones in their rooms not merely for convenience but also so that they can talk privately. One reason that privacy in the last several centuries has become an important value is that it offers protection against the intrusiveness of others and thereby offers a person possibilities of leading the life he wants, not the one others want for him.

Privacy, in other words, is one way of respecting the human personality. Very young children aren’t granted privacy. They need to have their diapers changed and look in on them when the parent wants. But Anthony isn’t an infant any longer and, as good parents, the zone of privacy is increased. His growing autonomy as an individual is fostered by his ability, for example, to reveal or conceal his emotional life from his parents' intrusion. In order for him to become a unique, mature person he needs to establish new boundaries in relation to his parents.

Privacy: Is it absolute?

Is Anthony's right to privacy absolute? Privacy has been honored in the family because his parents have accepted it as desirable. It fosters a sense of being in control to some extent of one's own life. However, in cases of emergency, strictly adhering to rules

or keeping promises may result in hideous consequences. If privacy impedes the family's desired ultimate goals (and keeping Anthony alive is certainly one of them), then it is subject to revision. Although Anthony is a near-adult, he does not — and perhaps never will — have an equal vote in ultimate decisions affecting the family.

So while I think Anthony has a right to privacy, I don't think it is an absolute or unqualified right.

His parents believe that he will kill himself unless they know what he is thinking and feeling. If their hunch about him is right and if Anthony succeeds, the results will be dire and irrevocable. Therefore, it is morally legitimate for the parents to over-turn a family rule without Anthony's consent, especially since Anthony won't talk to them about the perceived problem.

I agree with philosopher Jeffrey Blustein's statement regarding the role of parents. "In assessing any social practice of child rearing," he writes, "you have to consult three separate, legitimate, and interrelated types of interests: those of the child, those of the child-rearers, and those of society. The legitimate interests of the child include an interest in physical care, in education and socialization, and in the warmth, consistency, and continuity of the relationship he has with the person who takes care of him."

So while Anthony has correctly come to expect that his privacy will not be violated in his home by his parents and therefore can talk on the telephone without their eavesdropping, he has also come to expect that they will take care of him.

Eavesdropping: A practical consideration and a guess

Ehrenreich's second objection looks at Anthony's parents' motives. Here she makes a psychological argument. She says "the assumption seems to be that *knowing* what the problem is — at least as Anthony defines it to a friend — is essential to helping *solve* the problem. I suspect his parents may be a tiny bit jealous that he didn't pick them to talk to. They are so desperate to be included and involved that they are willing to trespass on the private space in which Anthony maintains his friendship. By eavesdropping, they will only be evading the real challenge — which is to rebuild their own lines of communication with their son."

Ehrenreich's third objection is practical. She doesn't think that parents can find out useful information by snooping. The real danger, as she sees it, is that the eavesdropping may make things worse. Anthony will view his parents as untrustworthy. "He may withdraw further," she says, "possibly making it harder for any adult — a therapist or member of the clergy for example — to reach him. Almost certainly, his parents 'spying' will now count among his many grievances against the world. This is the challenge: to reconnect with Anthony and do it soon."

Ehrenreich and I agree that Anthony's well being is primary. She believes connections between parents and children are essential, as I do. However, you part company over the distance parents must keep between themselves and their offspring.

The Desire to Protect: How far does a parent go to get information?

Anthony's parents listened in on the extension because they believed they needed vital information about their son for his own sake that he refused to disclose to them.

Barring that information, they thought they could not help him. Without their help they feared he would commit suicide.

They don't know why Anthony has become uncommunicative; they don't know why his grades have fallen. They are afraid for his life. They believe, rightly, that as his parents they have an obligation to keep him alive.

Although there are good reasons to limit the power of the state to interfere with the liberty of an individual, parent-child relationships are different. Society requires parents to exercise power over their children even though it may be contrary to the child's wishes. You have an obligation to educate your child even if she wants to sleep late and watch TV all day. In fact, a parent who does not exercise proper control is liable both for the harm done *by* and *to* the child as a result of inadequate supervision. Society holds parents responsible for their child's welfare and therefore holds them accountable for both abuse and neglect. Parents are culpable for what harm they may cause (abuse) and also for what harm they prevent (neglect).

Affection and Care vs. Rules and Rights

Ehrenreich fears that spying may drive more of a wedge between Anthony and his parents than may already be there. It may be that Anthony will be angry with his parents for meddling. But equally plausible is that he will find a sense of relief and reassurance, if in fact he is suicidal. And even if he isn't, he may appreciate (perhaps as an adult and parent himself) his parents' concern, even if turns out to be misguided in this particular case.

The bonds of love and care are primary values in family matters; privacy is a secondary value, one you accept because it helps achieve our primary ones. I'm not suggesting that parents do whatever they want. But if Anthony's parents have betrayed violated the principle of privacy, they have done it in order to preserve another principle: preventing grave harm to their child.

The case forces me to make certain assumptions which, if turn out to be wrong, would alter my assessment. First, I assume that Anthony's parents have made serious attempts to talk to Anthony about their concern. Second, I assume that they do not regularly invade his privacy and that in doing so now they do so reluctantly, in full knowledge that it violates another standard. Third, I assume that they have consulted experts about teenage suicide so that they can be sure that they are not reacting merely to their anxieties about his growing up. Fourth, I assume that Anthony's behavior isn't typical for him and is decidedly different than normal teenage behavior. And fifth, I assume that their actions are motivated by a love for their son and that the family members in all other ways respect one another.

Ideally, affection and care, not rules and rights bind families. Rules and rights arise in more impersonal social institutions where people are bound together for reasons other than simply caring about one another. People in these institutions often need formal protections against the self-interested actions of others they come into contact with.

So while I think the right to privacy is an important value, in families care is the more important value. Interfering with Anthony's privacy was justified, in my opinion, because parents shouldn't allow children to kill themselves.

When it comes to young people in particular, most of us accept the wisdom of the psychotherapist Herbert Hendin who says “an attempted suicide is not an effort to die but rather as a communication to others in an effort to improve one’s life.”

Chapter Twelve

Is It Right For Me to Use Someone to Make My Point?

Charlotte is 12. Her brother, Roland, is 9. Their father, Fred, discovers that they stole five dollars from his wallet to buy candy and play video games. He scolds them both but penalizes only Charlotte, claiming that as the older of the two she should have known better. He wants to make an example of her so that Roland won't ever steal again.

Some questions to ask yourself

1. Should the same penalty for the same infraction apply to everyone?

2. Is the purpose of punishment to cause enough (material) pain so the will be too afraid do it again?

3. Do you punish someone because no one should get away with doing something wrong?

4. If the purpose of punishment is to prevent future harm, what if anything is the problem with using an example of what could happen to someone who has done wrong?

5. How old should someone be before you hold her accountable for what she's done?

6. Did Fred act ethically?

The Problem: Punishing the wrong-doer or punishing to prevent future harm?

What you think of how Fred punished his children depends upon our philosophy of punishment in general and what you think is the best way to raise our children in particular.

Let's look at the philosophy part first. A common view is that if someone has done something wrong they should pay a price. Exodus 22 states, "If a man steal an ox, or a sheep and kill it, or sell it; he shall restore five oxen for an ox, and four sheep for a sheep." If you do something you, you must make good. You also assume that the person who is punished should be the person who has done the wrong. Deuteronomy 24:16 states the principle this way: "The father shall not be put to death for the children, neither shall the children be put to death for the fathers: every man shall be put to death for his own sin."

Most of us support this ethical principle, but there are some who disagree. In fact, punishing the innocent for crimes of their ancestors was an ancient practice. The Passover story is an especially vivid example, as the Egyptian children are killed because of the acts of the Pharaoh. From biblical times you also get the scapegoat, an animal sacrificed for the sins of people.

But you don't have go back two thousand years to find people who punish not the guilty party but others who stand in their place. In a small section of western Africa, there is a tradition in which her ancestors make a young girl a virtual sex slave to a priest of the local religion for crimes committed. The *trokosi* is a wife of the gods and serves an indefinite period of servitude, until the priest is satisfied that the guilt of the past crime has been expatiated. Another example has been Israel's destruction of the homes of civilians in retaliation for assaults by Palestinians.

These practices are wholly unacceptable from an ethical point of view because they violate a central ethical principle, namely respect for the individual person. This means that you can't use people as a means to an end only. People should get what they deserve, neither unfairly benefiting from someone else's actions or suffering because of what someone did. So you should punish those who deserve it and not inflict punishment upon those who don't. This principle explains one of the rules of war: civilians can't be targets nor can civilians be used as shields by soldiers.

Punishment: Making it fit the crime

Related to this concept is the idea that the punishment should fit the crime. At its most basic level it is an 'an eye for an eye, a tooth for a tooth,' a concept found in Mosaic, Roman and other ancient laws. The basic point of *lex talionis* is that if the crime is small, so should be the penalty, and if the crime is serious, the penalty should be equally severe. In other words, the extent of the punishment should be proportionate to the wrong-doing. This is why you have different sentences for the severity of the crimes. Who wouldn't be bothered by someone getting a fifty-year sentence for going through a red light and a mass murderer walking away with a fine? Everyone understand that there are times when the police have to use force to stop a criminal assault, but we are less willing to say the police were justified in the use of deadly force when it is used to stop a petty offense. This is the principle of proportionality, one the factors in the Catholic calculation of a just war.

The principle of just punishment is used as defense of the death penalty for heinous crimes. The principled ethical argument in favor of the death penalty runs like this: Nothing is worse than deliberately and gratuitously taking another's life and,

therefore, the punishment should be as severe as the crime itself. The dead cannot be brought back to life, but society can express its moral outrage by exacting the most severe penalty in return, namely, taking the life of the murderer. This isn't revenge exactly. It is more like righting the scales. Likewise, there are compelling ethical arguments to oppose the death penalty, such as not imitating the worst behavior of the person who you intend to punish or that state killing may legitimize violence as a whole. If all you wanted to do was to exact the worst possible punishment, you wouldn't execute people behind closed doors but on Main Street. And you wouldn't be looking for humane methods of execution but find the most horrible forms of torture possible.

Good people can be found on both sides of the capital punishment debate. However, the point I am making here is one that both sides agree upon. Terrible crimes require severe punishment.

Punishment: As a deterrent

There is yet another moral argument for the death penalty. Capital punishment, it is claimed, serves as a deterrent. It surely prevents future crimes against the innocent because the perpetrator can't commit any more crimes of any kind since he is now dead himself. This argument is on less certain moral grounds than the ones presented before. Let's assume that there is evidence that state executions in fact lower the violent crime rate (a much debated fact). Is this a strong enough moral argument to execute people? If the point of punishment is to lower crime rates, then it really doesn't matter if it was even the right person who is being punished. As long as the punishment scares enough people so they don't commit murder themselves, authorities may as well make a spectacle of

whoever happens to be handy. This isn't morally acceptable. But at one time in history this was a common occurrence. Scapegoats were sacrifices used to atone for human misdeeds. As long as blood is shed, no matter whose, the gods are happy.

So, if Charlotte's father punishes her simply to use her to make a point with Roland, he is on weak moral ground, even if it keeps Roland on the straight and narrow.

Responsibility: It requires the ability to know what you are doing is wrong

People are punished not only if they did something wrong but also that they couldn't have done otherwise. You don't hold a person responsible if he has acted under duress. If a person steals money because someone else held a gun to his head, the person isn't a thief. Morality has meaning only when it is directed at those who have free will, that is, those who when faced with a decision are capable of freely choosing one thing or another.

A person also isn't culpable if they can't understand the difference between right and wrong. The mentally incompetent aren't liable for their actions for this reason. And it is why, given what you know about the nature of other creatures, moral responsibility applies only to human beings. This wasn't always the case. In France during the Middle Ages, for example, a horse that had kicked a farrier to death was tried for murder. Even inanimate objects weren't spared. A trial was held for a church bell that had fallen on the head of the ringer, causing his death. The bell faced the ignominious fate of being smelted. These seem like bizarre examples because today the difference between intent and accident seem obvious. There aren't trials for fallen objects but are for the person who may have caused the object to fall in the first place.

When you move on to why someone does something and their mental capacity to understand, you are leaving the area of philosophy and moving into that of psychology. Philosophy tells us that only those who have free will can be held liable for what they do. Psychology tells us that bells aren't liable for the damage they cause because bells they can't reason and therefore have no free will. Responsibility requires some intelligence and/or mental competence. Therefore, a person may have committed a crime but found not guilty as a result of insanity or mental deficiency. A lunatic who commits a crime in criminal insane and therefore is a considered more a psychiatric patient than a criminal. And a person with a very low IQ who commits a crime may be kept away from to prevent future harm, but she doesn't otherwise get punished for her crime. Similarly, when a three-year old smothers another child to death there is a great tragedy but no crime.

The Age Factor: Young children aren't fully responsible

Harmful acts done by infants are accidents. Five-year olds, no matter what harm they may have done, aren't imprisoned. But the older someone is the more difficult it becomes in deciding how guilty to hold someone. Do you jail ten-year olds? No? Then what about sixteen-year olds? The United Nations had to consider exactly this in the aftermath of the civil war in Sierra Leone. Children as young as 15 participated in mass slaughters of civilians. Should they be tried and sentenced as adults? The UN legal department decided that 15- to 18-year olds, if found guilty, should be sent to rehabilitation centers rather than to prisons. Fourteen-year olds can go to prison in Massachusetts, 12-year olds in Oregon and in Wisconsin you only need to be 10. At eighteen no one has a doubt — you offer the vote, you provide prisons. The point is that

age and mental competence are mitigating factors. Where you draw the line is not easy and, legally, such distinctions vary from place to place and from time to time. Yet you can all agree at the extremes. Two-year olds, no; twenty-year olds, yes.

But Charlotte and Roland are only three years apart. Perhaps they are at the same developmental level, but this is not likely. If they are typical for their age, Charlotte is more sophisticated in her understanding than Roland. In addition, Charlotte's offense is probably greater because, as the older sister, she should have known better. If, in fact, she was the instigator or didn't try to stop her younger brother or egged him on, then she has a greater degree of responsibility and therefore deserves a greater punishment. Children are rightly given more responsibilities as they grow older. Along with this comes greater accountability.

At 9 years old, Roland understands that stealing is wrong. Therefore, he should be punished for what he has done. At 12 years old, Charlotte has a better grasp of the reasons behind why stealing is wrong. So it is also right that her punishment be a little more severe than that received by her brother. However, Fred's decision not to punish Roland at all and decides on Charlotte's punishment not for her sake alone but in order to make an example out of her. This is morally unacceptable.

A Proper Punishment: What will happen?

My response so far as been at the level of philosophy and psychology. So I asked Ellen McBride what she thought about this situation. As a lawyer who sits as a small claims arbitrator, she sees people who are often in the midst of minor but bitter disputes and so brings to this situation a more practical turn of mind. McBride says, "The question

first to be asked is, why the money was stolen by the two children? I ask these questions regardless of their ages: 1. Were candy and video games prohibited by the father and therefore the children were not given money for these endeavors? 2. Did the children previously ask the father for money to buy candy and video games and were they denied? 3. Is there a family policy against these diversions? 4. Are they budgeted for within the family? 5. Did the children steal the money because their friends put pressure on them to do or have things forbidden to them? 6. Was this just a mischievous prank?"

McBride had another set of questions. "Knowing more about the two children would also be helpful. You might ask: 1. Was either child under a disability would render that child incapable from knowing right from wrong? 2. Does the relationship of the two children encompass the greater influence of one over the other? 3. Were there other peer pressures involved? 4. Was either child angry with the father? Why?"

McBride is concerned as much with what is going to happen later as she is with the meting out proper punishment. "The example setting is to my mind most ineffective here because Roland was already involved in the act and at nine (if under no disability) is quite capable of knowing that he got off without punishment and that Charlotte is being punished. An explanation of differences in ages is not enough. It says to Roland, 'When you are twelve I expect that you will know that stealing is not right or acceptable behavior but at nine you are less responsible for your actions.' Roland could easily take this as license to steal until he turns twelve. Charlotte on the other hand might well have taken this as unjust punishment. One of the worst elements of the uneven penalty is the setting of one sibling against another. In all circumstances where I have seen this done it never

fails to work either as a bond between the siblings if they are more sensitive to the injustice or as a cause for a rift between them."

A Moral Mistake: Using a person as a means only

McBride is probably right. But I don't know for sure what Roland and Charlotte will learn from this. I don't know how it will affect their relationship to each other or each of them to their father. Probably it won't be good, but it's conceivable that it might work out for the best. Whether the father's punishment will, in fact, lead to a good or bad outcome depends upon context and family history, something that can only be known by those who are intimate with the family. It's enough for me to say that Fred is wrong because it is morally unacceptable to use a person to make a point with someone else.

Immanuel Kant said that to respect a person means that wee can't use them means only. Of course, you use people all the time — the check-out person at the counter, the conductor on the bus and so forth. You don't have a relationship with that person except in so far as you use them for something you want. Even so, you must respect them as people, just as you hope that they wouldn't be rude to us. What Kant meant was that there is no justification for merely using someone as if she were a thing. This is what Fred is doing by using his daughter as an example to make a point with his son. This is using Charlotte as a means only and so it is unethical.

Chapter Thirteen

What Do I Owe an Elderly Parent?

Pamela and Richard have just retired. A doctor tells them that because of the onset of senility Pamela's 85 year old mother cannot continue to live alone. Despite the necessity of forgoing many personal plans and recognizing the strain it will put upon them, Pamela and Richard decide that they cannot have Pamela's mother move into a nursing home. Instead they move her into a spare bedroom in their house.

Some questions to ask yourself

1. What do children owe their parents?

2. Are grown children responsible for their parents well being?

3. Are positive feelings a necessary basis for obligations?

4. In what way, if any, should money play a part in determining obligations?

5. What sacrifices are reasonable in order to meet your obligations?

6. How do you balance your needs and that of your spouse with that of another family member?

7. Did Pamela and Richard do the right thing?

The Problem: The biological vs. the ethical

It's interesting that in the Ten Commandments you are instructed in how to treat our parents but nothing about how to raise your children. Honor your mother and our father, you are told. Perhaps there is no corresponding commandment addressing parents about how to treat a child because the minimum requirements don't need to be spelled out. Everywhere and always parents must feed, shelter and clothe their young children. For if parents didn't care for their children there would be no future generations. Certainly, without adult protection, children couldn't survive and without children the human race would disappear.

But I wonder about the source of obligation is for children to watch out for their parents. It's not obvious. You might even say that the opposite is required, mainly that the old must make way for the young; the tree needs pruning, the field must be cleared for the next crop. So the fifth commandment — Honor your mother and father — finds its validation not in a biological necessity but in something very different. In a sense, the purpose of the commandment is to reverse the natural order, replacing biology with ethics. It is a rule that raises society to a human level, as it establishes an obligation that replaces the brute realities of nature with morality. As long as your parents are alive, you should honor them. In practice this means that when they can no longer take care of themselves, you, as their child, need to take care of them.

This attitude is a mark of human civilization. Unlike other animals, humans don't leave the infirmed behind when they move. Human society is different than the animal kingdom in that reciprocal arrangements have replaced relationships that are based on the

rule of force alone. You have both adults taking care of children and adult children taking care of elderly parents.

There is no biological advantage for children to honor their parents. It is purely an ethical notion, not serving the needs of the species but our personal, religious and social sense of what it means to be human.

Caring for the Elderly: tradition

But how do you take care of the elderly? In 1975, when I was living in Kenya, a couple of my African friends came to our house to visit. You had known the two brothers, Nyangati and Ongesa, for awhile and they would sometimes stop by when they were in town doing chores. You sat around our dining table for a good half-hour. You chatted about a variety of things. Kenyans usually take a while to get to what they really want to know but this was different. There was a sense that you were entering new territory. Finally, after much hesitation and with reluctance, one of them said, "You have heard that in America there is something you do. But you can't believe that it's true." What were they referring to? "Do you mind if you ask you?" Nyangati said, as though embarrassed, not for himself, but for us. Not at all, my wife and I said. "You were told that when a person gets old, in America you send them away to die."

I was taken aback by their comment. Did they really see Americans like that, engaged in euthanasia of the elderly? I had never thought of Americans' treatment of the old that way before, but it was true, in a sense. I tried to explain that America was different than Kenya, that when children got married they moved away from their parents, sometimes across the continent. This was nearly unheard of for them. When a son is

married in Kenya, he moves into a new house with his wife on the same property where they had always lived. Mother, father and brothers were all within shouting distance, until they died. How different this is in America. Here not only do American children want to leave home, but many parents prefer it this way. As if to bear out the truth of this, both my parents and my wife's parents had moved to Florida, a thousand miles away from our New York home.

"But what happens when they get old and need to be taken care of?" Ongesa asked. You told them about adult and nursing homes. Some time after this conversation you were visiting with Ongesa when suddenly a young boy rushed into the house shouting something you couldn't make out. Ongesa leaped to his feet and ran to the vegetable patch. You followed. When you arrived, there were already several people there, including his brother Nyangati. Their elderly mother stood in the field terrified. While hoeing, she had seen a snake and had called for help. Several of her sons — all grown with their own families — heard her shouts and within moments had gone to her aid.

Now you understood why the brothers were incredulous when you had told them about parents and children living apart. Their worst picture of Americans had been confirmed: you didn't honor our mothers and fathers. You didn't even live nearby. Who would take care of them when they were threatened? Who would care for them when they were sick?

Caring for the Ederly: today

A startling fact about American today is that for most of us the last person who will literally touch us will be a stranger — a nurse, an aide, a doctor. It won't be a husband

or wife, brother or sister, child or grandchild but a stranger, someone who is there because they are being paid. It is the ultimate triumph of the market economy over human relations.

Things have changed in Kenya since my wife and I first lived there, just as they have in America. Both Nyangati and Ongesa have sons who live far from the family compound. The young men are in Nairobi, 250 miles away, a day's journey from their parents' place. Neither Nyangati nor Ongesa will have all their children present when they falter. It isn't hard to imagine that in the near future Kenyans, like Americans, will die without their families around them.

My parents moved to Florida so they could have a more comfortable life, away from winters and numbing cold. They could enjoy their final years in a kind of style that had only once been reserved for the rich. And I understand why Kenyans are moving away from their homesteads and to the city: that's where the work is, that's where the comforts are found. For the first time, they will know electricity and running water. Far more than ever in human history, the "good life" is within the reach of the ordinary person in many places around the globe.

Nyangati and Ongesa must have thought that you Americans throw our old folks away, putting them out with the trash. They simply couldn't grasp what an adult or nursing home was. In reality, for some a nursing home is the best choice available. Frail people can get better care when all the proper equipment is right at hand. Sick individuals can be monitored and checked properly by people who are trained in elder care.

Know the Context

I needed to explain the realities of American life as I understood them to my African friends in order for them to appreciate the choices you face in the States. Making moral judgments without a context is dangerous. You judge one thing good or bad only as you understand how it relates to some situation in particular. So when I asked David Harmon what he thought about the dilemma faced by Richard and Pamela, he reluctantly replied. Harmon, the director of the counseling center at St. John's University in Queens, NY, said "You have to give Pamela and Richard some modicum of history to get a clearer picture of the dilemma that they might have to confront."

Harmon is quite right. All our judgments are based up assumptions you hold about what you think the reality is. When you don't have all the facts, you tend to fill them in, if you can't check them out, as Nyangati and Ongesa did, with what you believe to be the case. Harmon then imagines two different possibilities for Pamela and Richard and reaches two different conclusions.

In the first scenario Pamela's mother, a few days after the death of her own husband, sells the house in which she was living to Pamela and Richard for one dollar. They had previously lived in an apartment, which had been just big enough for their family. Pamela was her only child and she had always liked Richard. The idea of someone else, some strangers, living in the house that she and her husband had occupied for so many years was distressing. Pamela after all was used to the house, having grown up there. She then moved into a small apartment near her daughter. The efficiency apartment was easier to take care of than the house in which she had formerly lived.

Suppose further that she and Richard did not have the stereotypical mother-in-law son-in-law relationship that has provided fodder for many comedians and a good deal of work for many psychotherapists. Richard, having been an orphan, thought of her as the mother he never had. The three of them enjoyed each other's company and shared many interests. They went to plays, rock concerts, antique shows, and Sunday breakfasts together; especially after her husband had died. During the years that Richard and Pamela were married the three of them had lives that were full of love and caring for each other. Theirs was an adult, and guilt-free relationship built upon mutual respect.

Given the preceding scenario, Harmon says that “the decision that the couple made is clean and straight forward: of course mother can live out her days in the house she ‘gave’ them and even though it will be difficult, it's the right thing to do. The idea that mother would live out the rest of her days among strangers is abhorrent to them.”

Making Assumptions

When Harmon imagines another set of facts, "the right thing to do" gets clouded. Suppose that Pamela's mother was a real shrew. Suppose further that she interfered in Pamela and Richard's lives at every opportunity. She constantly criticized the housekeeping at her daughter's apartment and "played favorites" with the children that Pamela and Richard had — even to the point of "forgetting" the last child's birthday for many years running. Suppose that holidays and family gatherings were cause for anxiety and depression, as they are in so many American homes because the mother always criticized Richard for not making enough money. She constantly reminded Richard about the rich boys who Pamela had dated before and intimated that she was going to leave all of

her earthly possessions to the A.S.P.C.A. because they took better care of the animals than Richard took of Pamela and the kids. Suppose that, as the only child, Pamela was "daddy's little girl," and mother was jealous of the closeness that they developed — and she let Pamela know it. Suppose that Pamela drank heavily as a result of not being able to grieve properly for her father and was not much able to take care of herself — much less take on the demands of caring for a person suffering with senile dementia. Suppose that mother just got more "set in her ways" as the dementia became more pronounced.

Where once she was just disagreeable, now she was unbearable. Suppose that Richard was the type of man who, because of an extreme sense of entitlement, had to play golf every day that the sun rose and the bulk of the care would fall to Pamela. Suppose, further, that Richard and Pamela's marriage was not as strong as it could be and just one more little stressor would send Richard packing and Pamela into the abject poverty associated with some divorced women. There she would be — drunk, abandoned, poor, burdened and resentful.

“Given this scenario,” Harmon says, “it is probably the wrong thing for them to move the mother into their house because she would be better off in a nursing home. At least strangers would not have a historical reason to be vengeful or to treat her shabbily.”

Independence: Important or over-rated?

I agree with Harmon in large measure. But I also want to provide an historical setting to their dilemma. Unlike prior generations in which there was always someone at home (often the wife but also an unmarried child, the family spinster), many households today are empty during daylight hours. There is no one to watch out for frail elderly

parents, to pick them up when they fall or simply feed them when they forget to open a can of soup for themselves.

My concern is that in modern society there is an unspoken assumption that the elderly are always better off living independently, away from their children. There is a sense of failure and shame attached to needing your own children for your care.

I don't share this view. I think family attachments and close, long-term relations are good things and ought to be promoted. I think that most elderly would be better off living with or near a family member. Perhaps they can't take care of themselves properly and they can't afford to pay for proper care. Or it may be that they are lonely; paid companionship doesn't substitute for friends or family.

Yet elderly parents moving in with their children isn't very popular. Americans prize our independence — treating it as a moral virtue — so that often neither parent nor child seriously considers living together. (The opposite side of the coin is equally true: Many consider a grown child choosing to live near their parents a sign of psychological immaturity, rather than as an indication of strong family ties.) The elderly may feel guilty about imposing, they may feel ashamed of being dependent. They can't tolerate the role reversal, now having to rely on their children rather than vice versa. You often view dependence, for whatever reason, as a mark of failure. On the other side, the lives of the adult children won't allow them to properly care for their parents. They may have to work, no one will be home with the parent and they can't afford home care.

In this instance, the issue facing Richard and Pamela is not whether they think it is good for Pamela's mother to live with her (I assume the mother thinks it is) but how much of their own future they are willing to sacrifice in order to have her stay with them.

Parents are expected to sacrifice quite a bit for the sake of their children. The needs of the children come first — paying for school, clothing, etc. before indulging in luxuries for themselves. It is the unethical parent who neglects his child. But how much is the child expected to sacrifice for the parent? That family members have obligations to one another is obvious. But not all obligations are of equal weight. Grown brothers and sisters have some obligation to care for one another but not much, for example.

Family Obligations

If you could make a scale of family obligations, everything else being equal (a big assumption), those you have to our parents weigh more than that you have to our siblings but less heavily than those you have to our spouses and our children. The advent of Social Security, pension plans and so forth has lessened the obligations in so far as it has made the elderly financially independent. Nyangati and Ongesa's parents had to rely upon them. That's why the biblical commandment refers to the obligations of grown children to their elderly parents. The need isn't as acute today. My parents and that of my wife's could pay for their own apartments and food.

This means that the obligation you have to your elderly parents is voluntary, at least under certain circumstances. If you had been abandoned or abused by your parents, you have very little obligation to them. It would be no different than the kinds of obligations you have towards strangers. But barring situations such as these, you are required to ensure that our parents live as long and as comfortably as possible. It is very much like the obligation you have to our own grown children.

Families are drawn together by ties that are more than what they can do for one another. The ideal is to have both economically independent elderly and grown children, who want to take care of their parents, even live with them. Family life, everything else being equal, is better than institutional life; being in a caring community is better than living alone.

Actions are More Important Than Feelings

Children have a serious responsibility to make sure that their elderly parents are taken care of. It arises from the ethical principle of reciprocity — to return something to the person who has given you something. You don't have to particularly like our parents. You may never have chosen them as friends. But remember, the commandment tells us to honor our parents, not love them. Love is a sentiment and feelings can't be conjured on command. You love one another as your heart moves you. Honor, though, is a set of actions and behavior is subject to direction and is sustainable whatever one's emotional state. The honorable thing for a grown child to do is at least to assure minimal care for their elderly parent not so much as payback for having been cared for but as a way of sustaining ties that make us more human.

Are Pamela and Richard paying too much a price? If they are at risk of pauperizing themselves or so lessen the quality of their own lives that they are seriously compromised, then they are paying too high a price. In that case there will be three helpless people, not one.

Having a parent move in isn't always or the only ethical thing to do. As Harmon reminds us again, "For many, obligation built on fear; fear of emotional estrangement, fear

of disinheritance, fear of responsibility. One strong figure can dominate the lives of so many others; and how, once that figure is gone, true feelings will emerge."

The Limits of Obligation

There is yet another consideration here. This is Pamela's parent, not Richard's. Richard's obligation comes through his relationship with his wife. He may have competing obligations in his own family. What if he had an elderly parent of his own in a similar situation? Would this create resentment on the part of Richard's family who felt unfairly treated? Would this put a strain on his own marriage? I know someone who would have wanted his aging mother to live with them except for the fact that both he and his wife work and that the wife couldn't justify this to her own mother, who was a jealous woman.

However, where the relationship is a decent one, where people in fact respect one another, then I think that the sacrifice made is an ethically admirable one. If Richard and Pamela find that the strain is more than they can bear, there is no shame in their placing Pamela's mother in a home.

They did their best and that is good.

Chapter Fourteen

Should I Stop Someone From Hurting Himself?

Carolyn's recently widowed father, Sam, is depressed. He refuses to eat properly. He tells Carolyn that the doctor reports that he has extremely high blood pressure and is in danger of having a stroke. He will not listen to his daughter and he ignores his doctor's advice to change his eating habits and remove salt from his diet.

One day, while her father is out, Carolyn goes to his apartment and removes all packaged and canned foods containing salt. In its place she leaves foods better suited for a person suffering from hypertension.

Some questions to ask yourself

1. Under what circumstances should adults not be allowed to make choices for themselves?

2. Who should decide if a person is incapable of taking care of himself?

3. Should a person be allowed to determine the level of quality of life they desire?

4. How do you decide between a rational decision, which you disagree with, and an irrational decision that may not be the best for another person?

5. How do you know what is best?

6. Is it possible to respect a person and disregard their wishes?

7. Is it possible to respect a person and not take into account what he may want for himself if he understood the complete picture?

8. Do you approve of Carolyn's actions?

The Problem: An adult in years vs. adult in judgment

Parents are be held liable for neglecting the well being of their children, but the law doesn't hold people accountable for the well being of other adults in the same way. The arguments for interfering in the life of a child who you believe to be suicidal can be compelling since you believe that children are not fully competent to make potentially life-altering decision for themselves. That's why voting is reserved to people above a certain age. But when it comes to interfering in the life of an adult who you believe is headed down a path of self-destruction, the reasons for invading someone's privacy are less clear. That's why hospitals can't require a patient stay against her will. Respect for person requires granting the right to self-determination, even if others think you're making a serious mistake.

The exception to this general rule of self-determination is when a person is not mentally competent. But modern medicine has created some new problems as people are living longer. Earlier I talked about the elderly in Kenya. In addition to the break-up of the extended family, for the first time Kenyans are seeing Alzheimer's disease, as more children survive the ravages of malaria and hosts of other deadly illnesses. Now Nyangati and Ongesa were asking me about old people who no longer no their way around and are in danger of harming themselves.

The upshot of extending longevity is that adult children are often forced into acting like parents to their own parents. So the question of paternalism is turned on its head. Instead of parents taking care of children, children now have to take care of their parents.

Depression and Impaired Judgment

Milgaros Sanchez, a rehabilitation counselor who has worked in California and Florida, says that the story here is fairly common. So I asked her what she thought was going on. "Depression," she says. "The greatest challenge facing disabled adults is generally not the physical challenges they face but rather the emotional ones. Depression is the greatest debilitation for all injured or ill persons. It prevents them from taking full advantage of all the wonderful scientific and human resources available to them. Often they sabotage their recovery efforts."

A depressed person isn't merely sad or listless. Such a person really can't think clearly, as the weight of the world seems to descend upon the body and the mind. Everything is viewed through a glass darkly. There is no sense of the future, except one that is more of the same despair or worse.

There's a difference in a teenager being depressed and an old man's depression. A teenager does have his future before him but an old man, under the best of circumstances, doesn't have much of a future to look forward to. If at all possible, you want to treat the young person so he can experience life fully. The situation with the elderly is somewhat different. Maybe his loss is so great that the future can only bring him continued pain, even if he weren't depressed. Maybe Sam should be allowed the right to his own sadness.

Sailfish, for example, mate for life and when one dies the other surfaces to die also. Without their life-long companion, life becomes empty. I don't know what meaning Sam's marriage had for him, but it is conceivable that he finds no purpose in living any longer. In a time in which everything seems disposable and substitutable, I find nobility in the person whose grief at the death of a long-time spouse is so great that no life is worth living. In our society, with such an emphasis upon youth and entertainment, you believe that not only does everyone have the right to be happy, they have a duty. However, Sanchez points out that healing from the loss of a beloved spouse can take a long time. “Clearly Carolyn's father has not had enough time as yet to grieve and get beyond his loss,” she says.

Sanchez continues, “Many of us with good moral and ethical intentions are quick to solve others’ problems for them. But it is Sam who must face his emotional challenges, overcome his depression and go on with his life. It is he who is responsible for his health, for whether he continues to live or die. He may not have the tools with which to better cope with his loss, depression and illness. He may simply need more time to adjust to his circumstances. Without question he is in need of loving support.”

Taking Charge

There are at major two major questions in this situation. One is, should Carolyn step in and take-over from her father? The second question is, assuming that she should do something, what is it that she should do?

Not everyone agrees that Carolyn has an obligation for her father’s welfare. One popular idea is that people are responsible only for themselves. This is a useful principle. It prevents us from becoming busybodies and it provides a basis for being tolerant. If

people would simply stop telling others how to act, then you'd all be a bit happier for it. Also, if I am responsible only for myself, it also means that no one else is responsible for me. So I become more independent and less likely to see myself as a victim. But the principle has its limitations. The wall between me and others can be too high, resulting in loneliness. It also can make us mean spirited in the sense that I view other people's failures as always a matter of being their own fault. Self-determination isn't a community-builder or a road to a compassionate world.

This is especially true when it comes to intimate relations. Family life demands more than personal responsibility. It means being drawn to and into another's life. Caring about another person requires that do things to help, even when the helping is difficult, even, sometimes, when our help isn't wanted. Family ties are often tangles and knots. I have always found George Elliot's aphorism appealing: "What are you here for if not to make life easier for one another?" That seems right to me. As someone who has had training as a marital therapist and works as a clergyman, I have heard and seen the intimate, sad stories of family lives. I know full well the ways in which families become nests of destruction, the unhappiness that families can sow. But separateness and distance are lousy alternatives. People die from alienation as well as repression.

Carolyn is faced with what appears to be life-and-death decisions about her father. So an attitude of not caring is hardly an acceptable ethical stance. The question remains, though, what should she do? *How* to get Sam to change his eating habits is the problem, not whether it is *right* to get him to change. The correctness of Carolyn's aim isn't the question but the method of achieving it.

Emotional Support

Sanchez gives some practical advice. “Carolyn clearly loves her father and it is that love which drives her to take action but her vision is short sighted. Removing the foods harmful to her father is a short-term solution. It is better to stop, think, and ask why. Why is Dad not willing to take care of his health? What is he feeling? How can I be supportive of him so that he will feel better? It is critical to not become an enabler but rather help those in need to help themselves. It is through those types of efforts that you can truly make a significant difference in other's lives. The most difficult choice sometimes is the choice to not become an enabler. I think this is particularly difficult for women who are often cast in the role of care takers.”

Sanchez continues, “The best steps Carolyn could take would be to spend quality time with her father and support him emotionally as he deals with his loss and struggles with his depression. She can listen to him. She can involve him in her activities as much as possible. She can encourage him to seek counseling for his depression. She can research supportive and educational resources available in his community and offer to go with him. She can educate herself on depression and loss and thus be better able to find real solutions to her fathers' problem.”

Emergency Steps

Sanchez may well be right in the practical steps for Carolyn. But what if it takes weeks or maybe months to become effective? Meanwhile, the doctor is afraid that Sam is in immediate danger of a stroke.

If someone is elderly and at risk, there may only be short-term solutions. The ultimate goal is to get Sam through his depression so that he can find a fruitful life once more. The methods suggested by Sanchez may not work quickly enough. If in Carolyn's assessment, based upon the doctor's best judgment, going into Sam's apartment without his permission to change some cans of food will help him to live the life that he truly desires, then her action is not such a bad thing to do and can be morally justified.

As with other situations that are exceptions to the rule, there is the danger that the exception becomes the rule. Carolyn's action needs to be seen as an emergency step. She needs as quickly as possible to return to a position where her father is in control of his own life. His sense of dignity needs to be protected by granting him the right to self-determination.

Chapter Fifteen

Is My Life Always Worth Living?

Moe and Anne were married for more than 60 years. Anne was beginning to suffer from Alzheimer's disease: she would ask the same question several times, write on the bottom of plates and do other strange things of this kind. While she continued to do household chores, such as cooking and cleaning, she had also lost the ability to make sound judgments. Moe decided everything for both of them.

While close to 90, Moe was still active, Anne began to suffer heart problems. The doctor told Moe that Anne needed surgery to prevent what in all likelihood would be a serious heart attack within the year. He also assured Moe that surgery required was nearly routine and had a very high success rate, even in woman at Anne's advanced age.

"But," the surgeon asked, "at your age, will you be able to care of her? She'll have a healthy body but her mind is going rapidly. She may well live for another five to ten years if you do the operation."

Moe had to decide for his wife whether to go ahead with the procedure.

Some questions to ask yourself

1. Is withholding a life-saving procedure the same as killing someone?

2. Who should make the decisions about the health of another person when that person cannot make it for herself?

3. Is it uncaring to let a person die?

4. Is it selfish to prolong someone's life because you don't want to be without them?

5. What do you think Moe should do?

The Problem: The life of one person vs. the quality of life of another

I know this problem better than any other in the book. Anne and Moe were my parents. My father was put into the position of having to choose life or death for his long-time wife. For some this isn't a problem at all. They don't have to think about it, they won't agonize over the decision, as there will be no decision to be made. They will always choose life, no matter how bleak the prospects may be for all concerned. If there is a chance that surgery will prolong life, they will take it. If there is hope that some treatment will help, no matter how experimental or unproven, they will opt for it. If a person can live only as long as they are tethered to a machine, they will keep the person hooked up. They will not let someone die no matter what and they will do everything in their power to keep a person alive.

My father didn't have such assurance. He had a decision to make — whether to keep my mother alive or let her die. He had to decide what the quality of her life would be like if she lived. He had to decide what the quality of his life would be like if he let her die.

I didn't know my mother had Alzheimer's until I visited her in Florida when I flew down to be with him because of my mother had had a minor heart attack. My father had never mentioned my mother's dementia before nor did my brother, who lived not far from our parents. On the phone my mother sounded fine. She was more forgetful but still she carried on simple conversations and told me about the weather and such. It wasn't so different than conversations in the past. But when I spent time with her, I realized that she wasn't right. My father said that it had happened suddenly. This wasn't the usually forgetfulness of not remembering where you put the keys but something far more serious.

My father was in his mid-80s at that time. He was in excellent health and very vigorous. But I wondered what my father would do if my mother died or if he needed to take care of her. He had never lived alone in his life, not even when he was a bachelor. My mother took care of all the household chores. My father had never cooked, washed dishes, cleaned, made beds or done laundry.

My brother and I went to the doctor's office with my father when he was presented the situation. The surgeon said that at the rate at which my mother's mental state was deteriorating, which my father agreed was rapid, she wouldn't be able to care for herself within a year or so. There were two options: let nature take its course and not operate. Then, in all probability. she would die from heart disease within the year. The second course was do the operation. The surgeon explained that this was a relatively low-risk procedure, on that he had been doing for more than twenty years with 100% success, and Anne would essentially have a healthy, normal heart.

My father would then be faced in the near future of having to care of my mother. If she continued to mentally deteriorate at the rate she had been in the last few months, her

mental faculties would be all but gone in a short time. My father then would be faced with two other choices: care for himself or institutionalize her.

My father wavered wildly, one minute saying that my mother would have no quality of life with Alzheimer's disease, the next saying that it would be like killing her if he consent to the operation.

Understanding the Disease

What are the facts about Alzheimer's disease? I wondered. My father needed to make his decision immediately, so you had to rely upon what he said and upon our own knowledge. But afterward I did ask one of the country's leading Alzheimer's researchers, psychiatrist Steven Targum. He said, "Moe's dilemma is a common scenario in the lives of many elderly couples. The incidence of Alzheimer's disease exceeds 20% in adults over the age of 80 who frequently have co-morbid medical conditions like heart disease as well. Alzheimer's disease is a gradual disease, which progresses at different rates based upon genetics, nutrition, other medical problems and luck."

What did he think Moe should have done? Targum couldn't say without knowing more facts. "Moe may believe that the inevitable loss of mental and physical capacity associated with the progressive deterioration of Alzheimer's disease is unacceptable and that a death from 'natural' causes is more dignified for wife," he says.

"Alternatively, Moe would not be the first man to care for a demented wife until she needed nursing home placement. The decision to provide life-sustaining surgery for Anne requires consideration of social, emotional and financial issues, which extend

beyond the mere event of the surgery. It is not unusual for a surviving spouse to fail physically and emotionally shortly after the loss of their life-long partner."

Targum continues, "It is possible that the grieving process that is considered to be normal and healthy may be insurmountable in a 90 year old man who has sustained himself on a 50 year relationship. Ultimately, the decision to consent to life sustaining surgery for Anne depends upon Moe's perspective on the meaning of their relationship and his ability to care for her financially, physically and emotionally without succumbing himself."

Understanding One's Feelings

I also wondered what a therapist thought about my father and the decision he faced. So I asked Carol Targum, a social worker specializing in family matters. She said, "I am concerned with the quality of the interactions between the couple and the impact on their relationship. Anne has lost her ability to use sound judgment and decision-making. Although the surgery will repair her body, it cannot repair her mind. The mutual reciprocity that characterizes most long-term marriages has begun to decline and would continue to do so."

She then asks a series of questions that help to clarify the emotional facts. "What are Moe's reactions to his wife's illness? Does he feel stress both physically and emotionally from providing constant care for a chronic illness or would this care be the culmination of life long loving and nurturing? What type of support system does he have among family and friends? What additional burden does this place upon their modest financial means?" Targum continues, "Old age is a time of loss. Issues of dependency

surface which can create their own set of anxieties centered around feelings of helplessness, anger and guilt for being healthy and still alive. It raises issues about self-worth — am I a good person if I do or do not let this happen? How selfish can I be? What do I owe myself and what do I owe my wife in these circumstances? From my perspective, quality of life becomes the critical factor. Anne's continued impaired functioning coupled with Moe's increased care taking responsibilities necessitates a re-evaluation of their relationship. What is the quality of their life together? What is the quality of life for each of the individuals? Allowing nature to take its course can be a loving gesture, which preserves the dignity of both partners."

Feeling Guilty

My brother and I weren't able to think this clearly under the circumstances. But my father did want to know what you thought he should do. He was using us as a way to think out loud. He didn't want to be told but our thoughts were important to him. He knew the responsibility was completely his own. There were the practical matters to think through but there was also another element that was separate from that. He was also seeking moral guidance, for he truly didn't know what was the right thing to do and yet needed to choose between unhappy alternatives.

"If I can save her, I have to do it," he said one moment. "I have the power to save her life. If I don't choose that, it's like I've killed her." He would be silent for awhile. Then he would say, "But she's going to become a person without a mind. She never wanted to live where she can't take care of herself. I won't be able to take of her for long before she'll have to go to an institution. She said she never wanted that. She couldn't

stand to even visit friends who were in nursing homes." He continued to carry on this debate with himself. Whenever he seemed to firmly decide on one course of action, I said I agreed with him, even if I had reservations. He needed my support in whatever choice he made. But then a short while later he changed his mind and, once again I said that I agreed with his decision, even though it contradicted the earlier one.

In fact, I don't think I was much of a help in assisting my father make his decision, except perhaps as serving as a sounding board. But my brother and I were useful in letting him know that the choices were impossible and whichever decision he made would be the right one.

Even before my mother became ill I had thought about the social problems caused by people living longer. I didn't raise these with my father. That would have been inappropriate, cruel even at the time. But it was in the back of my mind.

Given the fact that any society has limited funds and has to make choices about how to spend its money, there is a policy issue here. Society needs to consider the interests of everyone involved and to consider those interests disinterestedly. According to the National Institute on Aging/National Institutes of Health, the cost of caring for one person with severe cognitive impairments at home or at a nursing home is more than $47,000 per year. "The annual economic toll of Alzheimer's Disease in the United States in terms of health care expenses and lost wages of both patients and their care-givers is estimated at $80 to $100 billion."

Perhaps society should be spending such a staggering sum on its children instead of its elderly. This is a matter of public policy question that rests upon ethical considerations — the fairest way of redistributing society's resources. You never talked

about this when making the decision because this wasn't any woman but *my* mother, *my* father's wife. It was right that you focused only on her at that time.

My father had to decide and he did. "Go ahead and operate," he said. "I couldn't live with the guilt of not saving her life when I could have." So my mother underwent this low-risk procedure. And died on the operating table.

My father lived about another five years after my mother's death and he took care of himself just fine. Once I asked him about his decision. He said, "It was the best thing. I tried to save her life, so I didn't have to live with the guilt of not trying. And she never had to live in an institution. So I kept my good conscience and she kept her dignity."

Honoring a Person's Wishes

But if my father had pressed me to give him a direct answer, what would I have said?

While I believe in the sanctity of life and believe that life is good and to be lived to its fullest, I don't think that life should always be prolonged. Life isn't always better than death. If my mother had understood her own condition, if she knew that she would have been like a child and have been reduced to complete dependency; if she were capable of knowing that she was putting a burden on my father emotionally and financially, if she knew that she would be in a nursing home perhaps for years, I think she would have chosen to end her life as gracefully as possible.

"Dad," I would have said, "Mom had a good life. It was a long one. Soon she won't be the same person she has always been. You know what she said about things like this. Some of your friends have Alheimer's. She said she never wanted to be

institutionalized or to have other people take care of her a though she was a baby. I think she would want to die now rather than burdening you with caring for her, a woman she never was and didn't want to become. If she could answer for herself right now, I think she would ask you to take her home and let nature take its course. You won't be killing her by doing this. You yourself have said that doctors shouldn't try to keep a person alive if it means that they will be more like a vegetable than a human being. Please, Dad, don't let them operate, for Mom's sake and yours."

Chapter Sixteen

Is It Moral For Me to Help Someone Commit Suicide?

Janet is suffering from Lou Gehrig's Disease, a fatal illness that affects the body but not the mind. The disease advances through progressive paralysis. Janet, who still can speak, is only able to move her head from side to side. She knows that she will die within a few weeks as she will no longer be able to breathe and will therefore die.

Janet asks her husband, Mario, to give her all the pills at her bedside so that she may die now. He agrees with her wish but he doesn't have the nerve to give them to her.

Janet's clergyman visits. She asks him to help hasten her death. He declines to do so. Janet dies two weeks later, having succumbed to her illness after much mental anguish.

Some questions to ask yourself

1. Is killing always wrong?
2. Is life worth living under all circumstances?
3. Should a person have the right to decide for herself whether to live or die?
4. Is it ever right to help someone die?
5. Is it ever right to break the law to help someone else?
6. Did the clergyman do the right thing?

The Problem: Alleviating suffering vs. a culture of death

Suicide is a form of murder — the taking of one's own life. To involve another person in a suicide is to make someone an accomplice to a crime. That's the law, more of less. But nearly everyone considers suicide less a legal offense than a moral matter. We don't jail failed suicides as felons.

The same logic that assumes suicide to be unlawful applies from an ethical point of view. Certainly if suicide is wrong, then involving another person must also be morally wrong. However, not everyone thinks that suicide is morally wrong. Even so, granting that it isn't a moral wrong, that still leaves open the question of whether it is immoral to involve another person in the suicide.

Holland has adopted the most liberal policy in this regard and some see it as establishing a culture of death. Others see it as a humane way to treat a dreadful situation. Hastening death is preferable to prolonged misery.

I had to confront this problem not as an abstract concern in a classroom or a second-hand one by developing hospital policy, but as a request made of me by someone who wanted to die. Janet and Mario (pseudonyms) were members of my congregation for many years. During the course of a pastoral visit, she asked me to give her enough medication so she could kill herself.

“I want to die now,” she said to me plaintively. “I would take the pills myself, but I can’t, and Mario won’t give them to me.” She said that it was like waiting to be executed and the anticipation of her inevitable death within about a week was torture. This was the most heart-wrenching request I had ever received.

Helping Someone Die

My friend and colleague, Joe Chuman, faced a similar situation in his own religious community. A member of his congregation also had amyotrophic lateral sclerosis, more commonly known as Lou Gehrig's Disease. "If nature were malicious, it could not devise a more sadistic path leading to life's end," he says. The woman he visited explained the disease more graphically to him than Janet did to me. She told Chuman that "the paralysis starts at the feet and gradually ascends to the torso and upper body. Death is inevitable. It comes either through starvation as the voluntary ability to swallow is destroyed, or through suffocation, as the lungs relentlessly fill up with fluid."

Then, one day when her illness was far along, she confronted Chuman with the same request that Janet had made of me. "As I sat by her bedside one afternoon, Margaret [a pseudonym] told me how she feared most an invasion of her bodily integrity. She wanted no part of ventilators or feeding tubes. With her options drastically diminished, she turned to me, in whom she had developed a strong trust, and without a ripple of hesitation, asked whether I would help her administer an overdose of medication."

Chuman and I had to decide two things: Did you approve of suicide and if you did, were you willing to assist in a suicide? There is no question about the second questions if you disapprove of the first.

So I'm going to being by looking at the morality of suicide.

Some Suicides Are Called Martyrs

There is a long tradition against suicide in the western world. Until the last century, those who committed suicide were buried not with ordinary folk but alongside

witches and convicted murderers. Suicide was understood as murder against oneself. Aristotle opposed suicide; Kant condemned it. The Catholic Church has long condemned it with Augustine referring to the sixth of the Ten Commandments and Aquinas viewing it as contrary to the natural law whereby every person should love himself. At the same time, there has also been another tradition that accepts suicide under certain circumstances, as most visitors to Israel know. There, at the top of a hill, stands Masada, the site of an entire community of martyrs who chose to die at their own hands rather than surrender to occupying Roman army. Rather than being condemned in Jewish tradition, they are honored as heroes. The more common use of ritual suicide in Japan even into this century is also founded on the sense of honor. It is better to die an honorable death at one's own hand than to live a life in dishonor and shame.

Suicide, then like killing, may be condemned in general but still admit exceptions. What are those exceptions?

The most fundamental reason murder is morally reprehensible is because it violates the rule of respect for people. But there is more to respect than preventing harm. It also means that a person has a right to decide what she wants to make of her own life. It is precisely because you respect people that you extend the rights to free speech, religion, movement and assembly. The state can interfere with matters of conscience only under extreme circumstances, when the integrity of society is itself at stake. This is what is meant by respect for persons, the right to autonomy and self-determination.

Moral Choices Require Choosing Wisely

This isn't to say that everything that you choose to do with our freedom is moral, though. Clearly it isn't. Some things may be morally neutral. They have little or no moral weight, such as whether to picnic at the beach or in park. What this means is that there are two levels of morality at work at the same time: the social level, which grants the right to self-determination; and the personal level, which is concerned with what you choose to do with the freedom you have. A moral society is one, which rests upon the protection of such civil liberties; a moral person is one who acts responsibly towards others. Some people abuse the freedoms they have — they do crackpot or stupid things. But in a moral society they have the right to be a crackpot and act stupidly.

At the same time, there are some things, which you aren't free to choose. You can't choose to be slaves, for example. Slavery is wrong even if it is entered into voluntarily. Slavery violates the very essence of what it means to be human. So is suicide in the same category as slavery, something you aren't free to choose because to choose it would be to contradict our own freedom?

One argument against suicide makes exactly that point. Society doesn't allow irrational people to do whatever they want, even when not harming others, since they don't always understand what is in their own best interest. By definition anyone who chooses suicide must be irrational because the act itself ends all possibilities of self-determination. Therefore a person ought be prevented from carrying out her wishes because killing oneself leads to excluding all future choices.

While suicide is considered homicide in many places, typically it isn't treated it as such by the State. One reason is that you don't make criminals of the insane. And

secondly, nothing would be gained by prosecuting he offender. Suicidal people aren't criminally motivated in the sense that their actions aren't meant to take something away from someone else. They are far more likely to be depressed and that is clouding their ability to think clearly. According to Herbert Hendin, the medical director of the American Foundation for Suicide Prevention, "nearly 95 percent of all people who kill themselves have a psychiatric illness diagnosable in the months before suicide. The majority suffer from depression which can be treated." And when the depression lifts and he is "more himself," suicide recedes as an option. Hendin's point is that most suicides are attempted by people who "aren't in their right minds."

A Rational Suicide

But what about the remaining percent who, according to Hendin, don't have a psychiatric illness but still want to kill themselves? Something else entirely may be going on. In fact, not all decisions to end one's life are considered irrational. You even applaud some who choose their own deaths. The highest medals awarded by the military are for those who sacrificed themselves for the sake of others — the soldier who smothers a grenade with his body; the Marine who holds a position so others can retreat safely; the pilot who doesn't parachute to safety and instead guides his plane away from a town. This is a type of suicide that is actually commended. To die for the sake of another — self-sacrifice — is the highest form of love, according to Christian ethics.

So killing oneself isn't always immoral. The soldier is esteemed because he intended to save a life, not because he wanted to die. His death was a secondary result of the primary purpose.

The type of self-killing that morally bothers us is the kind where a rational person chooses her own life not for the sake of others or a cause that you endorse but because she wants to end her own suffering.

Another clergyman friend of mine, Geoffrey, once told me about the funeral of a childhood friend of his. The man committed suicide in the face of a fatal illness. As a Christian minister, Geoffrey said that his religion taught him that suicide is immoral. However, he knew his friend well and he knew that he was not a sinful person. Far from it. So at the service at which he officiated he couldn't condemn his friend. This was a good person who had died. He had suffered from an incurable illness and had chosen to taken his own life. As far as Geoffrey was concerned, no sin was involved.

Discussion and anxiety about this type of suicide takes place in the context of advances in medicine. The sad fact is that you know how to prolong life but you always extend dignity. As a result, you have people living longer many of whom cannot care of themselves, are drained of all pleasure, suffer mental anguish, and find life without meaning.

The Right to Refuse Treatment

Hospitals have come close to acknowledging the right of patients to kill themselves. Patients are free to reject treatment, even when medical opinion is that without the procedure the person will surely die. The right to refuse treatment is written into the patient's bill of rights and has been extended to allow a patient's surrogate, for example, to order tubes to be disconnected even when death will inevitably follow. In

other words, society now acknowledges that choosing to die isn't always irrational or immoral.

I am a member of the ethics committee at Winthrop-University Hospital on Long Island. Every month you listen to reports about a patient refusing the only treatment that will keep him alive or a wife's discontinuing life-support for her husband. Some physicians acknowledge that when they send home a terminally ill patient with a month's supply of medication, they know that the medication is often used as a means to commit suicide.

When my mother-in-law, Rose, was terminally ill, she and my wife and the physician discussed removing the feeding tubes and giving her morphine to control the pain. It was clear to all of us that as the morphine dosage was increased to control her pain, her breathing would be compromised. Mom never explicitly said that she wanted to die, but it was clear that she understood the consequences of her decision. You sat at her bedside that evening and said goodbye to one another before she fell into a coma. Rose died 10 hours later. My mother-in-law had chosen her own death, her own way, at her own time.

What Mom did is no more a suicide than the laudable solider since the intent of giving her morphine was to control her pain, not kill her, although death was certain. This is a very fine distinction but one worth keeping in mind. It reminds us that you don't always measure the ethical rightness of something in terms of consequences. Motives also count. But the fact is that when Rose decided to substitute morphine for medication she hadn't merely chosen to lessen her pain but also had decided to die.

Compassion and Respect

What then are the ethics of suicide? Given the considerations mentioned previously, I believe that it would be unethical to prevent adults from choosing their own deaths, provided that all steps have been taken to insure that the suicide is not the result of a treatable depression. Choosing to die can be a legitimate choice, one that society doesn't condemn but accepts as one tragic aspect of life.

However, *helping* someone to die raises some additional moral questions. If Janet or Margaret had been in a hospital and receiving treatment to sustain their lives, they could have gotten what they wanted. Ironically, Janet was at home she had less control over her own fate. After listening to doctors discuss such cases since, it may well be that her doctors recognized that she might choose to end her own life and enough pills at her beside to kill her. The problem was that because of her paralysis she needed someone to put them in her mouth.

So if withholding treatment can be seen as a compassionate act, so, too, can assisting someone to commit suicide. Both Chuman and I feel this keenly. As ministers you are called upon to comfort those in great distress. But would it be right for us to break the law to do so? Chuman says, "the United States has had a long tradition of dissent, which is based on a profound respect for individual conscience. In rare instances of compelling moral import, after you have informed ourselves of the issues fully, and reflect on them as broadly and deeply as you can, you are obligated to break the law in order to be faithful to higher moral values.

Breaking the Law

"The compelling nature of Margaret's awful disease, its certain end in her death, and the intensely personal nature of her decision which I do believe ought to be beyond the absolute reach of the State made a prevailing claim with me. I was also her clergyman whom she had come to rely on, and which evokes a special relationship with particular duties. My relationship with Margaret provided such an instance in which breaking the law is justified."

While I agree with Chuman about breaking the law, I am not convinced that it was justified here. Part of my reason is what actually happened to Margaret. Chuman says, "My response to Margaret's request to aid her in dying was to tell her emphatically that I would help her in any way that I could. I was willing to grant her wish to assist in her suicide." Margaret, however, died two months later in bed, at home. Despite her earlier refusal, she had agreed to accept a feeding tube inserted in her abdomen, and there was a small respirator on her night table by the bed. As her condition overtook her, her digestive system began to fail and her breathing grew more labored. Margaret's doctor a compassionate man who supported physician suicide as a last option, was, nevertheless, able to persuade her that a gastrointestinal tube fell short of an extraordinary measure. And the small respiratory was not permanent. It was there for use only when she felt she needed it."

Controlling Pain and Providing Comfort

Margaret's choice wasn't unusual. Studies conducted in hospice settings find that when patients are listened to and feel valued, when their pain is controlled, when

significant people in their lives are involved, they find that life is meaningful and their level of hope increases. This wasn't the false hope that they would get better or leave the hospice. Rather it was a more generalized sense of well being. Life was good and precious, despite the realities of impending death. As Dr. Hendin explains, "Patients do not know what to expect and cannot foresee how their condition will unfold as they decline toward death. Facing this uncertainty they fill the vacuum with their fantasies and fears. When these fears are dealt with by a caring knowledgeable physician, the request for an expedited death usually disappears."

I don't know about Margaret's family life nor can I understand the depth her relationship with Chuman. But Janet had a husband and two grown daughters. I refused 's request because I thought that I didn't have the moral standing to help her end her life. That belonged to her family, under the supervision of a doctor. The only person who could have acted as 's surrogate was her husband. The minister's role — the one I adopted — was to help understand and accept her death. The comfort that was mine to bring was something other than the administration of poison. I could help the husband understand 's wishes but I had no moral standing to do what he could not bring himself to do.

Janet lived another week. Her suffering that week, which I had the power to alleviate but did not, has bothered me ever since.

Two thousand years ago Seneca wrote, "If I can choose between a death of torture and one that is simple and easy, why should I not select the latter? As I choose the ship in which I sail and the house which I inhabit, so will I choose the death by which I leave life."

Janet has the right to choose the ship upon which she will sail to a port unknown. But no one has the duty or right to help her, except her husband. Only he has the moral authority to put her on that ship.

When Janet asked me to help her, I turned to her husband. When he refused, there was no more that I could or should do.

Chapter Seventeen

What Does Personal Loyalty Require of Me?

Curtis comes from a small-farm family. He wants to be a doctor but can't afford a top school. However, he gets an appointment to a military academy where he will get an excellent education, tuition free. The academy has an honors system. Anyone caught cheating will be expelled. The code also requires that cadets report anyone they suspect of cheating. Curtis discovers that his roommate and friend, Ted, whom he has known since childhood, has submitted a partially plagiarized term paper. Curtis cannot convince Ted to admit the infraction to school authorities. According the academy's rules, Curtis must now report his friend. However, he refuses to do this. He resigns from the academy instead.

Some questions to ask yourself

1. Does Curtis' background make a difference in how you judge his decision?

2. How important a part should Curtis' career goals play?

3. Do you think that Curtis' loyalty should be foremost to his friend or the military?

4. What does Curtis owe his friend?

5. What does Curtis owe himself?

6. Under what circumstances do you think it is right for someone to jeopardize his own future?

7. Do you think that Curtis upheld the honor system or violated it?

8. Do you think Curtis did the moral thing by leaving the academy as he did?

The Problem: Integrity vs. Personal Success

This is an ethically difficult issue. This isn't a choice between two conflicting values but three — taking care of oneself, playing by the rules and loyalty to a friend

Curtis has his own life to lead. Curtis, as a young man, has properly set himself on a course to achieve certain life goals. What're more, most of us would agree that the career he has chosen is an admirable one. He wants to help people and that, by definition, is a good thing. Self-care is an important component in ethics. Without caring about ourselves you couldn't be compassionate, for it doesn't make sense to care about others but not care about ourselves. Compassion requires that you feel what others feel. If you can't feel for ourselves, you can't feel adequately for others, either.

Curtis is a decent person who wants to abide by the rules. It wouldn't be right to take the scholarship from the academy then turn around and disregard the code that he agreed to follow. Whether he agrees with the honor code or not is beside the point. He knew what he was getting into, he did it voluntarily and he feels duty bound to follow its dictates. He doesn't stray from the rule as it applies to himself. The difficulty is that it is someone else who has broken the rule and that requires that he do something that violates his conscience.

Curtis feels bound not only by the military's written rule also by the unwritten rules of friendship. He has a keen sense of loyalty to those who are close to him. Despite his efforts to get Ted to take action, his friend refuses. Then Curtis is faced with either breaking the academy's honor code or his own. He could save his own career by turning in his friend or protect his friend and ruin his own career.

The Need for Military Officers to Have Good Character

Stephen Arata is a lieutenant colonel who has had a command position in Germany, Panama and Haiti and as the American liaison to the French War College. In addition, during Arata's first year at West Point, one of the worst cheating scandals in the academy's history rocked the institution. "As a young plebe (freshman) I had to watch as day after day, cadets that I had grown to respect and trust were brought before honor boards, found guilty, forced to clear their rooms, and then dismissed from the academy. Most of these cadets were found guilty and dismissed because of toleration. At the end of it all, almost one third of the West Point class of 1977 had been expelled from the academy."

So Arata witnessed the consequences of the honor code as it is used by the military and he supports it fully. I also support it but with a reservation.

Both Arata and I share a number of concerns. We both believe that the academy's job is to make the best officers possible. They must skillful commanders of warriors. Also, you both believe that good character is essential for good officers.

Both Arata and I agree that there is good reason to have an honor code. There is no place for commanders who lie, cheat or steal.

Getting What You Want

When I present this problem to students of mine, almost all think that Curtis should turn in Ted. They say that if Ted were really a friend of Curtis', he wouldn't have put him in that position in the first place.

"But he did," I say. "This is what really happened. You can't wish for Ted to do something else. He may regret it later, but at this time Curtis is stuck with the situation."

In that case, Curtis should report Ted, most students tell me. But their reasons seldom have to do with supporting the honor code or obeying rules. Typically, they say something like this: "Curtis should not have sacrificed his educational opportunities because of the dishonesty of another student, no matter what principle was involved. I believe that if you want something, nobody should stand in your way of achieving it."

To Follow or Not to Follow Orders?

Another reason typically given is that Curtis knew the rules when he entered the academy and therefore he had to abide by them. There's a rule and it's wrong to violate it. The line of reasoning has it limitations, though. While the military wants soldiers who follow orders, it doesn't want people to follow orders blindly. Orders have to be orders that don't violate universal codes of conduct.

This point was made when three soldiers were given the Soldier's Medal, the highest award for bravery not involving conflict with the enemy. Hugh Thompson, Lawrence Colburn and Glen Andreotta happened upon the My Lai massacre when they had landed their helicopter in the line of fire between American troops and fleeing

Vietnamese civilians. They pointed their guns at American soldiers and Thompson, while under cover by Colburn and Andreotta, confronted the leader of the American forces.

In awarding the medals, Maj. General Michael Ackerman said, "It was their ability to do the right thing even at the risk of their personal safety that guided these soldiers to do what they did." That the soldiers received this honor 30 years after the fact underscores how highly the military values following orders.

Another important value in the military is loyalty to other soldiers. Arata says, "Most young men and women accepted at an academy have excelled as team players for a long time. They are experts at trying to minimize a teammate's weakness. They have worked hard to build esprit and confidence among their peers. At an academy, many students have difficulty accepting the 'toleration' clause of the honor code because it flies in he face of being a good team player. Turning someone in for lying, cheating, or stealing means instant dismissal for the guilty party — a heavy price to pay.

"I prayed that I would never have to make that decision," Arata says. "West Point cadets will always struggle with the question of toleration as I did when I was a young cadet in the summer of 1975. But in the end, each cadet will conclude that the honor code is essential and timeless. Its strictures are critical to the survival of our military and the character of our officer corps."

When cadets enter the academy, they know the rules. No cheating. No condoning of cheating. No cover-ups. Ted violated the rule and Curtis would have, too, if he hadn't reported him. At the point Curtis knew what Ted had done he faced several choices: do nothing and thereby become complicit; turn in his friend; or resign. He chose the latter course, presumably at great cost to himself. After all, he accepted the appointment to the

academy not because he necessarily wanted a military life but because he wanted to become a doctor and the academy offered that possibility.

Honor and Loyalty

The first alternative — doing and saying nothing — wasn't a real choice for him. He believed that he had a duty to live by the guidelines laid down by the academy for all its cadets. As long as he remained in the school, he felt bound by them. In military terms, he had a direct order — report all cheating.

The second choice — reporting Ted — meant betraying a friendship. He tried but failed to persuade Ted to report himself, as the honor code required. For whatever reason, Ted wouldn't do it. It now became incumbent upon Curtis to carry out his part of the bargain. But how could he squeal on his friend? Friends are supposed stand by one another, be loyal to each other, protect, sacrifice and support one another. In fact, loyalty is one of the highest values stressed in the military. One soldier is supposed to give his life for another, if need be. So if Curtis reported Ted's plagiarism, this could hardly be called an act of friendship, except in the sense of a parent hitting a child who claims, "This hurts me more than it hurts you." Maybe it is good for Ted in the long-run that he live with the consequences of his actions, but who is Curtis to make that decision about his friend's life?

If Curtis reports Ted, Ted would be thrown out of the academy. If Curtis says nothing and Ted says nothing, Ted remains a cadet. Of course, in a real sense Ted would be the person responsible for his own expulsion since he knowingly violated the school's rule. But in the immediate sense, Curtis would be the cause of Ted being discharged from

the academy. If the school didn't know about the plagiarism, then it didn't it's as good as not having existed — like a tree not really falling in a forest for no one heard it crash.

Ted was less than honorable for cheating; he was less than honorable for not turning himself in; and he was less than honorable for putting Curtis in such an awful spot. Once Curtis discovered Ted's transgression, he became entangled in the web. If he kept quiet, he would violate the code himself; but if he reported Ted, he would hurt a friend. In all likelihood, once the academy knew about Ted's violation, it would follow its own procedures and expel him. Clearly, Ted would be hurt by this. There would be a permanent mark against him. While people do overcome such things and may even become better people because of it, there is no guarantee that this would be so. Ted could just as easily become despondent and have wrecked the rest of his life.

Is this any of Curtis' concern, what happens to Ted? Certainly. Friends care about what happens to each other. Of course, one might ask what kind of friend is Ted to put Curtis in such as spot in the first place? Nevertheless, he did and now Curtis has to deal with it. He can't wish it away or wish that Ted were other than the person he is. It is because he is his friend, because he cares about what happens to him, because he wants the best for him that Curtis has a serious dilemma. Precisely because Curtis is Ted's friend he has such loyalty to him.

But Curtis has another other loyalty as well. He is devoted to academy and its standard of honesty. He isn't protesting the honor code system nor is he critical of the academy in general. I assume that he would stay in school, all other things being equal. By trying to persuade Ted to report himself, it seems clear that he favors the rules as they are — or at least thinks that cadets ought to abide by them until they are changed. While Ted

may not want to live by the code (or perhaps does but was too weak to overcome the temptation to cheat in order to get a better grade), Curtis wants to live by the rules and tries to get Ted to live up to the agreement he made when entering the school.

The Importance of Friendship

Given the conflicting demands of friendship and an honor code, Curtis finds another way out. He leaves. This isn't the coward's choice. Rather, Curtis' decision is made at great personal sacrifice. He has given up his chance to graduate from his school of choice and, thereby, jeopardizes his own future.

Is this too much to give to a friend who is the one at fault? I don't think so. It seems to me to be an admirable thing to do, an act of great courage. He has gone beyond what duty to the school required of him and also more than what Ted can fairly expect of him. In making his decision, Curtis has chosen a set of values more important than his own material gain. More important than being an academy graduate, Curtis has chosen friendship. And more important than being a dishonest student, he has chosen his own integrity.

What makes this vignette morally ambiguous is that Ted isn't an innocent victim and. Curtis sacrificed his place at the academy for someone who himself should have resigned. Ted's friendship for Curtis shouldn't have forced this choice upon Curtis, who here really is the innocent victim. Curtis, then, is penalized for something not of his own making. But such is the situation and the decision then becomes Curtis' to make.

In an ideal world, Ted wouldn't have plagiarized the paper; in a slightly less than ideal world Ted would have reported himself. But in this story, as is often the case, the

world is less than ideal. People exhibit weakness, do regrettable things and inadvertently impose their problems upon others. The question is, what is the right thing to do in this less than perfect world?

If Curtis had chosen to report Ted, this too, it could be argued, was the right thing to do, too. Many of my students take this tack. They say that Ted, after all, would only be getting what he deserved. But there is a more sophisticated reason to be offered and it is made by Arata, who says, "Curtis did the wrong thing by resigning because he did not fully understand the true meaning of, and need for, honor in the military. The military is a team that deals in solders', sailors' and airmen's lives, not wins or losses. In the military, confidence in one's superiors, subordinates and peers has literally meant the difference between life and death. History is replete with examples of soldiers who risked their lives defending a position because of their confidence in their leaders, their fellow soldiers in the line with them, and their support troops who have promised them as much artillery, air and ammunition support as they need. Americans have won from Yorktown to Iraq because of this confidence."

Self-sacrifice as a Military Value

Arata's points are good ones. If Curtis had taken this route instead of resigning, I wouldn't judge his actions as morally wrong.

But Curtis chose another course and didn't report Ted. But since Curtis was willing to sacrifice his own interests for the sake of their friendship, I have to assume that Curtis didn't act impulsively. He must have been careful thought and have agonized over the decision. He knew Ted well, he understood the terms under which he accepted the

appointment, he knew the consequences for himself by choosing what he did. Still he did it. Maybe he knew something about Ted. Perhaps he saw that Ted's infraction was minor; perhaps he saw this as a once in a lifetime lapse and that Ted would learn from his moment of weakness and that he would still be a good military leader. Arata reaches the opposite conclusion. He thinks that Curtis could never have confidence again in Ted and the military must be built on the absolute trust and confidence in its officers.

So Arata and I differ. I think that given these various considerations, I think that Curtis took the higher road, taking on someone else's burden and for this deserving high praise. His actions went beyond the call of duty; they were supererogatory. Perhaps it is more than you can expect of the ordinary person, to take loyalty to this height. But he did and I view it as a model of ethical behavior. This is a model for E. M. Forster's comment, ". . . if I had to choose between betraying my country and betraying my friend, I hope I should have the guts to betray my country."

Breaking the Rule for a Higher Value

Curtis is a pseudonym because this vignette is a real story. I know Curtis, so I am familiar with how the story actually unfolded.

After leaving the military academy, Curtis spent a year in a state university. He then received a telephone call from West Point. The authorities there hadn't understood why he had resigned but now they knew. Ted had finally confessed to his cheating. Curtis was invited to return to the academy. He accepted and went on to complete his education there.

I suppose the military believed that loyalty to one's comrades and the willingness to engage in self-sacrifice outweighed the violation of the rules. Since Curtis couldn't fulfill all three virtues esteemed by the military — following orders, loyalty and self-sacrifice — completing two out of three was enough for the academy to re-admit him.

Curtis is now chief of medicine at one the military's leading hospitals. He is also chair of its ethics committee.

Chapter Eighteen

Should I Compete Against Friends?

Brad and Kevin are good friends. They both enjoy running. However, there is only one opening on the school track team. Brad, the far superior of the two runners, decides not to try out because he knows that if he does, Kevin won't make the team, and he knows how important it is to Kevin to make the team.

Some questions to ask yourself

1. Should friends compete with one another?
2. In your scale of values, how important is friendship?
3. Is friendship a more important value than success?
4. How do you define success?
5. Did Brad make the right moral choice?

The Problem: Competition vs. Friendship

Friendship requires certain qualities — generosity, forgiveness, sincerity and loyalty amongst them. These traits are necessary for sustained, close relationships. But society often expects different values from us. In order to succeed, you need a minimum level of ambition and the willingness to compete. But what happens when these two sets of values find themselves present in the same place at the same time?

When I heard this story about Kevin and Brad, I thought about the two Roman philosophers and friends, Damon and Pythias. Pythias was sentenced to die because of his plot against the life of King Dionysius I of Syracuse. However, he wanted to arrange family matters before his execution, so his friend Damon persuaded the king to hold him prisoner in his friend's stead. "If Pythias doesn't come back, take my life instead," he told the king. The day of the execution arrived and Damon prepared himself for death when, at the last moment, Pythias returned. Dionysius I was so moved by the friends' willingness to die for each other that he pardoned Pythias and begged to become part of their philosophical circle.

Perhaps Kevin's coach will take his cue from Dionysius I and find a place for both friends on the team. But you know that won't happen. After all, Damon and Pythias lived 2,400 years ago. Times have changed. Besides, no one knows if the story is even true. The real world, I'm told, doesn't work that way at all. Friends don't offer their lives for one another; friends don't give up places on teams because their friends want it more than they do. Each person should do the best that he can and let the friendship-chips fall where they will. The right thing to do is to try your best. It is wrong to give up your place, your reward, to someone who isn't as good as you are. Being good means doing your best. It has nothing to do with a good person.

Male and Female Values

Yet you all recognize that friendship is an important value. Our lives would be poorer without a good friend. And most of us would really value a friend who was willing to give us a gift and would be honored if the gift were heartfelt. So what happens when the

value of friendship clashes with the values of success and competition? What happens to someone like Brad, who wants to be a good friend, a good person in the second sense of the word, that is, he is loyal to his friend. Brad is genuinely a "nice" guy in the fullest sense of that word. Leo Dorocher gave the his answer when he said, "Good guys finish last." New York *Times* sports columnist Harvey Araton once wrote, "Monuments and trophy cases are built faster for jocks who score than for champions of virtue."

Dorocher may not reflect everyone's attitude towards winning, Females seem to have a different approach says Diana Nyad, a former world champion swimmer and now radio commentator on National Public Radio. "Most male coaches of male youth teams need the win too badly to play the inferior kids when the big game is on the line." Nyad says. "On the other hand, most female coaches of female youth teams deem it more important for every girl on the team to play some part." Nyad continues, "For women, sports have meant freedom — freedom from the constricting Victorian garb, freedom from the shackles of perpetual pregnancy, freedom to get an education. For men, sports have meant a proving grounds for comparative worth within the society."

When Nyad looks at the situation here, she says, "Brad has engaged in a traditionally female approach and behavior. If he had taken the traditional male approach, he would have considered the record of his school first. The track team — and the good name of his school — would have received more honors within the community, a better chance for quality recruitment, and more respect within the school itself, had Brad participated instead of Kevin."

It is precisely for these reasons that I admire Brad so much. For him friendship is more important than sports. That he chooses friendship over competition and success is what I find so appealing about his decision.

Quality, Efficiency and Human Relations

So Leo Dorocher's sentiment may be popular only amongst males. It also may be factually incorrect. Not only may there be no conflict between being nice and being successful, but being successful may have something to do with being nice. Let's take a look at business. Studies done of organizations indicate that generally three factors contribute to the success of any business, group or association: quality, efficiency and decent human relations. All three are needed in varying degrees, depending upon the nature of the group. It isn't merely that someone can do or make the best (he may also be obsessively meticulous and plodding) or can turn out the most (she may be sloppy). The third factor is the intangible human one, the chemistry between people, the ambiance that makes people want to be there. People have to work well together, treat one another more-or-less decently and feel an important part of the over-all effort. This is why a good personnel officer who keeps employees relatively happy and satisfied often turns out to be a key to a company's long-term success.

A number of years ago, in the professional basketball draft, the country's most talented player was nearly the last taken. Despite his impressive statistics and demonstrated ability in college, he had a reputation for being difficult, egotistical, moody and emotionally erratic. It wasn't that the pros thought he wouldn't produce for them but that his presence on the team would be so disruptive that he would be a liability, not an

asset. His temper tantrums almost outweighed his considerable athletic prowess, as far as the NBA was concerned. This really has nothing to do with ethics, for the ultimate value is still winning. You see this when violent, racist players stay around because they contribute to the team's successes, despite their unethical antics.

Giving Up One's Life for Another

Brad doesn't give the coach the chance to choose for himself who best contributes to the team. The Damon and Pythias legend is enduring and compelling because the friends were willing to die for each other. Although nothing is more important than preserving life and none more valuable than one's own, sometimes life is most honored by giving it up for someone else. Voluntarily dying for another is exemplary. It does depend, however, upon particular circumstances.

I've wondered about such loyalty and have occasionally asked people what or who they are willing to die for, the only consistent answer is: "My children." But even this response is hedged, subject to contingencies.

"It depends upon how old my children are," is the qualifier. "Sure I'd sacrifice my life for my children at two or ten. But if they are twenty-five or thirty, I'm not so sure."

This reflects a cultural disposition, which expects parental sacrifice for the lives of little ones, but contemporary society is far more lenient about expecting sacrificial acts for one's adult children. Indeed, you think that there is something peculiar about parents who deny themselves pleasures in order to support their thirty year-old son or daughter.

Sacrifice for the sake of friendship is different from family affairs. You make our friends, you can quit whenever you want and there is nothing legally binding about the

relationship. Families impose enforceable duties but not so friendships. All that is found in a friendship issues from the heart. Still, hearts have perverse reasons known only to the unconscious.

Competition: Are men and women different?

I often find that it is useful when thinking about ethical problems to substitute different groups of people in the given situation. So I ask myself, would I have the same reaction to this vignette if Brad were a Brenda? Females are supposed to be self-sacrificing and many women accept this role so readily that they don't even think about what they are giving up. Many of the couples I have seen in marital therapy once exhibited this stereotypical behavior, where the wife put aside her own desires and goals in order to accommodate her husband's. Now they face a crisis because the wife is no longer content playing that part and the husband is baffled about what he sees as unwarranted and unreasonable new demands.

I wouldn't cheer for Brenda the way I do for Brad. This doesn't mean that I hold men and women to different ethical standards. I don't believe, as some do, that men and women use different standards in judging ethics and therefore are to be judged by standards internal to their own gender. I believe that ethics is universally applicable and there are moral standards that apply to all people, everywhere. However, ethics still must be applied to particular situations. Therefore, the evaluation of ethical standards depends upon who and how the standards are implemented, and under what circumstances. When power is unfairly distributed, to laud the sacrifices of the disadvantaged is tawdry.

I don't know all that went into Brad's decision not to compete with Kevin for the position. Maybe Brad makes sacrifices all the time, maybe his self-sacrificing is part of a pattern in his life that reveals low self-esteem. Perhaps, subtly, Kevin intimidated Brad. But it doesn't strike me this way. Instead, I see a young man who is sensitive to his friends needs and accepts them as more important than the accolades he may receive as an varsity runner.

Brad has given Kevin a gift. But not everyone thinks such gifts are desirable. Anna Seaton Huntington, a two-time Olympic rower, writes that "The Olympic motto is faster, higher, stronger — not nicer. If [one friend backs] off, then what value would the gold medal have held for [his friend] if it had been a gift? . . . It is those rules, sometimes merciless, that allow them to measure themselves, to earn their self-respect. . ."

What Huntington overlooks is that in a zero-sum competition, where there is only one winner, the self-respect of one person is often gained at the sense of failure on the part of everyone else. There is one winner while everyone else is a loser. If Brad tried out for the team, I fail to see how this would enhance Kevin's self-esteem. On the other hand, by Brad making way for Kevin, Brad can take pleasure in the way that anyone does who makes another happy.

Nyad also disagrees with Huntington. "Many thinkers have suggested that you might just put a stop to war if women became our leaders," she says. "And many sports sociologists have expressed the hope that women will bring their own ethics and standards as they enter into the superstar world of sports, instead of mimicking the men. So far, the women of the new professional basketball league, the Women's National Basketball League, have been humble, grateful, and graciously thrilled to be appreciated for their

efforts and their talents. If boys and men start making these kinds of decisions, they too will help bring a valuable women's set of ethics and decision-making to men's sports.

Good Sportsmanship

Damon and Pythius may be mythical, but Esther Kim and Kay Poe are not. Kim and Poe were good friends who were scheduled to meet in the Taekowndo Olympic Trials to decide which one of the two athletes would be doing to Sydney for the games, as the U.S. would only send one woman to Australia. The two friends were slated to compete against each other. However, in the match just before the two were to face each other, Poe dislocated her kneecap. Kim's comments were recorded by several newspapers.

"I asked her, 'Look Kay, what are you going to do? Look at your knee, Kay. What are you going to do?'

"She looked at me and she looked to the other side and said, 'You're just going to fight. You're going to fight.' I turned her face to look at me and I said, 'Kay, how are you going to fight? You can't even stand up. How are you going to fight?' Then she just started crying and crying.

"I had no thought in my head, (conceding) was something that came completely out of my heart, and it made me cry because I knew right then that I was going to tell her, 'Kay, let me just bow out to you.' It was so hard because this was something that I did dream about all my life. This was something that I wanted more than anything in the world.

"I looked at her and I said, 'Kay, why don't I just bow out?' She was like, 'What?' I said, 'Kay, just don't argue with me. Just listen to me.' I told her, 'Kay, I want

to bow out. You can't stand up. You can't fight. It's not fair. If you went into the ring, I have two legs, you have one leg. You can't even stand up. That's not fair to take it away from you that way.' I told her, 'I love you. I support you. Both of us have so much heart today. I was on fire, you were on fire, but I think you should go to the Olympics. I want you to take that spot.'"

Kim said her decision make in a heartbeat. "For the first time in my life I felt like a champion."

The International Olympic Committee thought she was a champion, too. Its president, Juan Antonio Samaranch personally invited her and her family to Sydney to watch the games. Committee members gave her a standing ovation at a reception. She also received the Citizenship Through Sports Alliance also selected her to receive the Citizenship Through Sports Award. (Poe, incidentally, lost in the first round.)

Good Sportsmanship

How Brad carries this off is nearly as important as the act itself. If he expects something in return or in any way makes Kevin feel guilty, then his action is tainted. I don't know how he can successfully do this, although Esther Kim shows that it can be done grace and even love. Perhaps Brad's relationship with Kevin is different than were the female martial artists. If his motivation weren't as pure, then perhaps he shouldn't make the sacrifice. This I can't know unless I knew more about the friendship than I do. But assuming that it is possible, then I want to cheer for him, just as the International Olympic Committee stood and cheered for Esther Kim. After all, sports at their best,

should be about teaching sportsmanship. What better example of what sportsmanship is than a gift from the heart to someone you love.

How lucky Kevin is to have made such a friend and what I fine person Kevin must be to have a friend willing to do such an unselfish thing for him.

Responsibilities to My Neighbors and The World

Chapter Nineteen

Do I Tell Someone What to Wear?

Martin brings his good friend Cindy to his church. She quickly becomes an active member and works on several committees. She also joins Martin's social circle.

Everyone likes Cindy, except for one problem. She always wears a perfume that some describe as overpowering and others as cloying. A few say the smell makes them choke and they have to stay on the other side of the room when she is present.

One member has come to the minister to tell him that she can't do her volunteer work any longer because Cindy has joined them in a small, unventilated room. She asks the minister to tell Cindy to stop using the perfume.

The minister talks to Cindy one morning after services to tell her that she has to she can no longer wear her perfume to church because it is driving other people away.

Some questions to ask yourself

1. Does anyone have the right to tell you what to wear?
2. What do you do when you find someone offensive?
3. Does it matter how well you know the person?
4. How do you balance the rights of an individual with the needs of the group?

The Problem: Pleasing yourself vs. pleasing others

The problem here is that we all have to live with other people. If you lived by yourself, you could do whatever you want. One life's major problems is how to both take care of ourselves and at the same time be considerate of other people. Occasionally, this isn't a problem at all but one of life's blessings. You want to give to others, you enjoy being generous, you take pleasure in helping another succeed. You have become better people as you have helped others find the best in themselves.

But other times you find yourself in conflict. What you want isn't what someone else wants. It's a kind of zero sum game where one person comes out ahead only at the other's expense. Matters of justice frequently fall into this category.

In this story, though, the stakes aren't so lofty. This is a matter of personal taste. Yet the vignette does raise a basic question about the rights of an individual.

Does an irritation rise to the level of a moral offence, or should individuals be free to do as they please in terms of grooming?

Two Kinds of Freedom: Free to and free from

Once I was on a committee with a woman who chain-smoked. At first a few people asked her not to smoke during the meeting. She refused, staking her moral claim to a right to smoke. No one had a right to tell her what to do, any more than they had the right to tell her what to say. Over time more people asked her not to smoke in their presence and tempers spilled over. She remained angry, continued to claim it was her right to smoke, but grudgingly, as the social pressure mounted, left the room whenever she wanted to light up.

Few fight over smoking in public nowadays. Today anyone who dislikes smoking can retreat from personal confrontations by pointing to the regulations against smoking in public placing and by justifying their stance by citing studies that claim that second-hand smoke is as harmful. There isn't any longer a clash of two moral rights but as a matter of public health.

Smoking vs. no smoking was a classic case of two kinds of freedom: the freedom "to smoke" and the freedom "from smoke." Similar types of conflict can arise in the business world where owners on one side say, "I have the right to run my business as I please," and the other side (workers or public) counters with, "I have a right to be safe."

Sometimes it is the government itself that is up against citizens, as when the old garbage dump is filled and a new one needs to be opened somewhere, somehow.

Harm vs. Taste

Many conflicts of ours fall into gray zones. What you do isn't directly harmful to other people, but others are sensitive and find what you do objectionable. A dress code is an example of this. There are school districts that have no regulations about female teachers wearing sandals but bar male teachers from wearing sandals. A man (but not a woman) can walk shirtless on the street, although many people consider it tasteless. Acceptable and morally approved modes of dress are ever shifting and often culturally specific. For example, in Rio de Janeiro, pedestrians stroll on the most sophisticated streets wearing bathing suits, while today in the U.S. some states allow women to be bare-breasted on the beaches but it is still a rare event where families are present.

Even as some social constraints fall away, new fences are erected around old habits. Moral outrage over drunk driving led to new regulations with drinking and driving. ("I have the right to get drunk" lost the argument with "I have a right not to be killed by someone out of control.")

Suffolk County on Long Island became the first government in the country to ban hand-held talking on cell phones while driving. The arguments were the same as those around drinking and driving. This leads many to ask, Where will this end? Will be make it a crime to listen to the radio or talk to another passenger or blow my nose while driving?

Where do you draw the line? Ideally, you would all do what you want all the time. But the ideal world isn't the real world. There's nothing wrong with doing whatever you want, as long you didn't hurt anyone. But actions do have consequences. If I were a hermit, it wouldn't matter where I smoked. If cars were on automatic pilot so they could never crash, it wouldn't matter if I were blotto when I stepped behind the wheel nor would it make a difference if I developed cauliflower ear from too much time on the phone. But cigarette smoke harms and drunk drivers kill and one of the requirements of morality is that you do no harm, if at all possible.

But what about those things that don't really harm others but only make them uncomfortable?

Your Problem vs. Someone Else's Problem

Someone once quipped that my freedom ends at the tip of your nose. That literally seems to be what's at issue in this vignette. The problem between Cindy and other

appears to be like disagreement between smokers and anti-smokers. However, there is a major difference. Cindy's acquaintances simply don't like the way she smells. They may find it unpleasant or even offensive. But none are claiming that it makes them sick. No one is being harmed.

In another way, though, it is very much like the smoking/no smoking argument, at least in the stages before it became a medical matter. The anti-smokers said, "The smoke stinks and I don't want to be around it." So it's a matter of preference.

"You don't like it that I smoke? Then don't come to the meeting," colleagues said.

"I have as much right to be at this meeting as you," another said. "So don't smoke or else stay home."

This reminds me of my Parmesan cheese dilemma. I can't stand the smell. Other people couldn't dream of eating some Italian food without it. I don't tell them to stop using the cheese. Instead, I try to stay out of pizza parlors. When I can't escape and find myself sitting next to someone whose food is full of the cheese, I try to move to the other end of the table. I don't tell anyone what to order, but I do try to avoid putting myself in the situation. I recognize it as my problem and take responsibility for finding a solution that doesn't impose my quirk on other people.

Being Honest With Others

Most of the time I don't tell others what bothers me. But sometimes not explaining what bothers you can mean the end of a relationship. This is what happened to Hans Christian Andersen when he visited Charles Dickens in England. Andersen didn't know when to leave. For five weeks he made himself at home. When he left, Dickens put up a

card that read, "Hans Andersen slept in this room for five weeks — which seemed to the family AGES!" Dickens had nothing to do with Andersen after that and Andersen never understood what had happened.

Just imagine what would happen if everyone who was bothered by Cindy's perfume took the same tack as Dickens did with Andersen. People would avoid her. She would find herself sitting by herself in the pews; at socials she would be on one side of the room and everyone else on another. She would no longer receive invitations to events and, like Andersen, she wouldn't have a clue why. All this because no one would talk to her.

There's a double hurt here. On the one hand, she would be ostracized, the modern equivalent of a shunning. On the other hand, the church would be hurt, as participation fell off just to avoid being in Cindy's presence.

The One vs. the Many

So for the sake of both Cindy and the church, it is best if she were talked to. Someone needs to tell her that her perfume is causing a problem. It is because harm is being done that the situation needs attention. It's too much to hope that it will somehow take care of itself. But who should talk to her and at what precisely should Cindy be told?

Most people would agree that if a person disrupts a church service, the church should put a stop to it. After all, people come to church for a particular purpose If someone shouts in the middle of silent prayer, she would be asked shushed. If she praised Jesus in a synagogue, she might be asked to leave. If eats a sardine sandwich during worship hour, she might be told that eating wasn't allowed.

Every organization has the right to its own integrity and to define acceptable rules of behavior. The difficulty is finding the balance between quirkiness of an individual with the needs of the group not to be unduly bothered. Philosophers call this the problem of the one and the many. A group which regulates all personal behavior is disrespectful of the individual; individuals who are disregard the wishes of others are disrespectful of the group.

It is a thin line between coercion of the person on the one side and disintegration of the group on the other. In this particular case, Cindy has a right to know why others are avoiding her.

Avoiding Embarrassing Another In Public

It is a thin line between coercion of the person on the one side and disintegration of the group on the other. In this particular case, Cindy has a right to know why others are avoiding her.

I asked Michael Katz, a congregational rabbi, what he thought should be done.

"Foremost is the concern that someone not be embarrassed in public. So one response is to have a discussion about the needs of individuals amongst us. Let's discussion and develop a general policy with respect to the sensitivities and needs of everyone. This way the issue becomes one of principle, and one of accommodating the needs of individuals in our midst, rather than how to control Cindy."

Katz continues by offering an alternative. The minister can speak privately to Cindy and convey the following: " 'We have a member (no names) who has a problem — severe allergic reaction to perfume. She was embarrassed to come to you directly and talk

to you, because your perfume seems to affect her and she doesn't want to offend you. The issue is her allergy, not your grooming habits. She would be eternally grateful if you could accommodate her needs.' While this may not be 100% true — maybe it is Cindy's grooming habits — we are permitted to tell a white lie in order to avoid embarrassment and humiliation to another."

I agree with Katz that not embarrassing people, especially in public, is an important value. It is related to a basic principle in ethics, mainly respect for people. For this reason, bending the truth for the sake of peace can sometimes be considered. To adhere to truth-telling under all circumstances can be cruel.

White Lies May Help or They May Hurt

I'm not sure this is one of those instances, although it may turn out to be. In my experience, I find that many people will choose to avoid what they think will be confrontation. They are so afraid of disrupting a relationship or creating bad feelings, they will resort to white lies. Such lies — social lubricants, someone once called them — are all too often used as an excuse to avoid the harder task of speaking honestly but with sensitivity. If the problem really is Cindy's grooming, then that should be stated in a way that isn't harsh or embarrassing. Everyone has a right to accurate information about herself. Human dignity is associated with freedom of choice. So you really can't be a free person if you are kept in the dark or if what you are told isn't true. Cindy is being patronized and therefore disrespected if she was told a white lie. It's as though she isn't strong enough to handle the truth. I've been forced into telling white lies. This has been

when someone has asked me something about another individual that was none of his business. This was gossip and prying.

If Cindy isn't told the truth, she may not wear the perfume to church but continue to put it on when she goes elsewhere. She will meet with the same results. She will have learned nothing from the white lie because she wasn't given to opportunity to learn the real facts involved.

The question is how to approach Cindy is such a way that it won't create more harm than good. As Katz says, " This is certainly a Jewish approach, based upon the verse in the Torah 'You shall surely rebuke/reprove your fellow, but bear no guilt' which is interpreted by the Rabbis as: Confront them about issues that are troubling, but do it in a way that causes no more harm. And every clergyperson would agree with the point that it is unfair to put the minister into the role of group policeman. (Yet, if it is determined that the other congregants are merely being priggish and that they, not Cindy, are the real problem, then the minister will have to act as policeman)."

The right person to address Cindy's problem is Martin, the one closest to her. So the minister should turn the matter over to Martin. But if Martin doesn't understand the issue or refuses, then it is proper for the minister to talk to Cindy, for he has the obligation to care for the entire congregation.

You don't know from the information given whether the minister presented an ultimatum to Cindy. It may be that even with all the minister's great pastoral and persuasive skills, Cindy refuses to tone down her perfume. Then the minister needs to make a judgment. Is Cindy the source of the problem? She may be engaged in a harmless

exercise in self-expression. Or are the complainers the real problem? They may be priggish, as pointed out by Katz.

The Reasonable Person Guide

Here the minister may use the yardstick that is employed by justices, the reasonable person guide. How would a reasonable person react to Cindy's perfume? How would a reasonable person judge the objections to her wearing perfume?

There is a great temptation to do a crude calculation and decide who contributes the most to the church. If Cindy works hard and makes a large pledge, the minister may be seduced into siding with her. Or conversely, if the complainers are big contributors, he might give them more weigh. While this can't be completely discounted, it must remain only one consideration.

The situation is different if, in fact, someone gets sick from Cindy's perfume. Then the issue is closer to that of smoking. Here Cindy's desire to smell a certain way isn't as important as the health of another individual. A real difficulty, however, is deciding whether someone truly is allergic or if she is exaggerating as a method of getting her own way.

You can continue to imagine many other possibilities in this vignette. For this reason it is a good example of the need understand the facts, figure out who has an interest and the best way of handling the problem.

Chapter Twenty

How Long Must I Keep a Promise?

Martha was an ardent supporter of the civil rights movement. During protest by student protesters, a Ku Klux Klan member permanently disabled a young activist, Florence. Martha, who hadn't participated in the sit-in herself, pledged to support the injured woman for the rest of her life. For more than 40 years she has sent her a monthly check. Martha is now retired and lives on a fixed income.

Martha has examined her expenses and has decided to stop the monthly stipend to the woman she never met.

Some questions to ask yourself

1. What makes a promise binding?
2. Is a promise to an unmet stranger different than other types of promises?
3. Are there any circumstances under which a promise can be broken?
4. Are there time times on promises?
5. Did Martha do the moral thing by stopping the payment?

The Problem: Keeping your word when circumstances change

Humans can survive only if they can count on one another. That's why we have the figure of speech, A person's only as good as his word. The saying makes explicit that "goodness" and dependability go hand-in-hand. Moral character is inseparable from keeping promises.

What you say to another matters. You expect that what you are told will be more-or-less accurate and close to the truth. A legal contract is binding only if the facts are represented accurately. And the contract is binding unless the terms of the agreement say otherwise. Indeed, America's first diplomatic treaty signed under the Constitution, with the Iroquois Confederacy in 1794, is still in force. Each year the U.S. government delivers $4,500 worth of cloth to the Iroquois.

In the ethical world, promises tend to be more open-ended. Promises aren't full of stipulations. You assume good will on the part of the person making the promise. And often there are major assumptions about the promise that may or not be shared by both parties.

Serious and Trivial Promises

Throughout our lives you make many promises, some thoughtful, some off-handedly, some serious and some casual. You meet an old acquaintance on the street, strike up a conversation and leave promising to call one another. This is the sort of promise that is more a social convention than an untruth. Some of our promises are not meant to carry much weight. You call it a promise but it is more like an intent. "Maybe

I'll call," is what you really mean to say. "I'll give it some thought, and if I feel like rekindling our ties, I'll call you."

Hurt arises if one of the parties takes the promise literally and feels rejected when future contact is spurned. But this is the way you conduct much of our social lives. You often say these things not to deceive another but to spare their feelings — and our own. Social lies keep us from saying to another, "You know, I'm glad you haven't seen each other in years. And I have absolutely no interest in ever seeing you again." The enactment of the little charade is harmless as long as everyone understands the no one is to be held to the literalness of the words.

What makes a promise a real promise is not that you utter the word but that there is a serious aim behind the utterance and the party who hears it believes that it is meant to be serious. A promise is a verbal social contract. To breach a commercial contract is serious. You can be sued; you can go to jail. Courts assess damages and you must pay. But breaking a promise doesn't have consequences of this kind. The breach is not legal but social; the damages assessed are exacted by those in our web of relationships. The similarity between contracts and promises is that in both instances there is an obligation to fulfill an expectation. In the case of contracts, the expectation is spelled out in writing. In the case of promises, the expectation is verbal. But the reason why contracts and promises are important in law and ethics is that they are instruments, which enable us to count on each other. You depend upon the enforcement of contracts and promises because you understand that it is a source of dependability and social cohesion. If promises were not meant to be fulfilled, if they weren't serious obligations, you would live in a society in which no one's word meant anything.

Why It's Important to Keep Promises

Trying to live well in a society in which keeping one's word was the exception would be next to impossible. Nothing could get done since you could never co-ordinate our activities, never know if what you were told was in fact the case. If you didn't trust a person's word, you would not be able to rely upon her. If you were not obliged to fulfill the promises you make, then, in effect, you would be lying. You would say something, which you did not mean to do. Promises are important because you believe in the intentions of the person making the promises. The belief rests upon our sense that when a promise is made there is an obligation to fulfill it and the acquittal of that obligation should not be made casually or unilaterally. Obligations fulfilled assure that society can function.

Promises are important because they help to protect the vulnerable. Lying and break promises are both forms of power over the unsuspecting. When a promise is made, the other person comes to rely upon that promise. As a promise reduces uncertainty, the person who is counting on the promise being met becomes vulnerable because her guard is down, she makes no contingent plans. She is counting on something, which she rightly expects to receive. It makes a difference whether or not the person doing the promising makes an honest effort to do what she promised. She is depending upon the promise being met whatever the content of a particular promise, the implicit promise is "I will not take advantage of you; I will not harm you."

It is the ability to do harm that is central to the reason why keeping promises is high on the list of what it means to be ethical. This is this reason why breaking a promise

is so difficult for the person who thinks of herself as an ethical person. Not to honor a promise is dishonest; it also hurts another. The person most letdown is one's self. Promise keeping goes to the heart of self-esteem, whereas promise breaking is an attack upon one's integrity.

Yet there are times when fulfilling a promise is not a moral duty, as in the example about promising to call someone you haven't seen in awhile. If it makes no difference to anyone whether or not it is fulfilled, then there is no reason for honoring it. Another reason for breaking a promise is that in meeting it a greater harm is caused. Still another reason for not fulfilling a promise is that the original conditions under which the promise was made have so changed that it is no longer reasonable to expect that the promise will or must be kept.

So while the obligation to keep one's promise is strict, it is not the only consideration. Occasionally, something else carries greater weight.

Good Reasons to Keep or Break a Promise

There are several factual points about Martha's pledge and her decision to renege that you can infer: 1. she made the pledge voluntarily; 2. she made it to aid someone who needed financial assistance; 3. the recipient needed the pension because he made a sacrifice for a cause which Martha also supported; 4. the pledge was made long ago; and 5. Martha's financial condition has changed.

The voluntary nature of the pledge is important. If Martha had been forced or tricked into making it, that would be a different matter. Or if she didn't know what she was doing or did it impulsively, that would also alter the situation somewhat. But Martha

seemed to know very well what she was doing and she did it because she believed in a cause.

The promise was for something important. Martha believed in the cause she was supporting. It seems as though if she could have gone herself to protest, she would have. For whatever reason, she didn't and decided to support the cause through a monetary pledge. If the promise were made for a trivial reason for a trivial cause, then the bonds holding Martha to her word wouldn't be very strong. But here you are dealing with significant matters of justice and even a permanent compromise to someone's physical capacities.

The receiver of the pledge continues to need her support. Although the promise was made long ago, Martha intended for the pledge to be permanent since Florence's disability was permanent. What you don't know for sure is whether Florence's financial situation has improved. If Florence no longer depends on money from Martha, then the situation would change.

The promise was made decades ago. Many things have changed in more than 40 years. Circumstances change with the times and time does lessen the strength of the promise. But time alone doesn't loosen the bond completely.

The circumstances of the person who made the promised have changed. The question here is how much of Martha's finances have changed. If it has altered so much that Martha is, in essence, no longer the same person who made the promise, then the promise isn't binding.

Weighing Costs and Benefits

I wondered if a moral philosopher would be helpful in thinking about Martha's situation. Peter Singer, who is professor of bio-ethics at Princeton University's Center for Human Values, believes that since moral philosophers spend their time thinking about moral arguments, they can be helpful where the facts are reasonably clear. So I asked him what he thought about Martha.

Singer says, "My view is that Martha ought to try to find out what the financial circumstances of the disabled person are. If the hardship that she would herself be experiencing by continuing to send the money is greater than, or comparable to, the hardship that he would suffer by no longer getting the money, she is not obliged to keep sending it. After 30 years, she has fulfilled her obligations as well as anyone can reasonably expect, in fact better than that, and I don't think she should feel bound to continue it, unless it will cause significantly greater net hardship to stop it."

Finding out the real conditions of Florence is important. This seems the right time for Martha to take such a step. In the same way that Martha extended her sympathy to a woman she never met, Martha may be surprised to find that Florence will extended understanding towards her. That's the hope, anyway. It is also possible that Florence is an embittered and nasty person who feels entitled to the subsidy she has received for years.

I disagree with Singer in his adding up a ledger of benefits and costs as a way of reaching a decision about Martha's moral problem. When countries sign treaties, the treaty cannot be broken because the ledger sheets, as calculated by one side or the other, is no longer adds up the same it did on the day it was signed. Sometimes you make promises expecting one outcome but finding that it turns in unexpected ways. In some

ways, a promise is like a bet. It is taking a chance on the future and no one knows what the future will bring. If promises remained in force only when it suited us individually, this would hardly bring with it the kind of assurance that promises are intended create.

Very Good Reasons to Keep a Promise

Martha's promise was a serious one and another person has come to depend upon her fulfilling that financial pledge. If she is to break the promise, there must be a strong, over-riding reason. Martha's reason is that to continue to assist the activist is to put herself in financial straits. She made her pledge many years ago, when her life still lay in its fullness before her. Now she is a nearly an old woman herself. At an earlier age she could accommodate the activist's pension as part of her budget. This, evidently, is no longer the case. The young she was who made the promise couldn't reasonably be expected to imagine what life would be like for her a half century later. She may not have even thought so far ahead.

Perhaps Martha was foolish is making such a sweeping pledge. But she did. Her present-day self is bound by a decision of her young-self. Nevertheless, if that promise were now to cause her serious harm, she need not be strictly held to it. While it would be wrong for her to precipitously cut-off her aid, she could inform the veteran about her changed circumstances, inquire about the extent to which he still needs money from him, attempt to raise funds elsewhere for him and begin to reduce her payments.

Whether Martha is morally correct in stopping payment depends upon whether she truly needs the money for her own well being. In this instance, Martha's well being must be defined in essentials, not luxuries. If she were to fall ill because she didn't have

money for her own medical care, that is one thing. If it means foregoing a movie, that is another. However, only Martha can determine the essentials of her life. Going to the movie may be one of the few things Martha does which brings joy to her life, and living a happy life is a goal shared by every rational being.

If Martha stops her payments, it shouldn't be because they are an inconvenience or that Martha has changed her mind. The activist volunteered for the struggle to overcome Jim Crow laws and in so doing became disabled. Nothing can undo that fact of his condition; Martha supported the civil rights activities, incurred an on-going debt. The only way her obligation is overridden is if in carrying it out, she would endanger her own well being.

Chapter Twenty-one

Should I Be Free to Choose All My Associations?

Kimberly shows up at try-outs for a basketball team in a privately sponsored league. The coach agrees that she is amongst the best players. Two of the star athletes on the team said they would quit if Kimberly were allowed to play with them. The coach decides not to put her on the team, claiming that her presence would be disruptive and impractical. He found that when a girl (cheerleader or manager) travels with the team, the boys were rowdy and had difficulty concentrating on the game. The coach also said that locker room space would be impossible at most gyms since visiting teams already used the girls' locker room. Furthermore, the team wouldn't be as competitive without the two boys.

Some questions to ask yourself

1. Do people have a right to associate with whomever they wish?
2. Does the right to free association apply to groups as well as individuals?
3. Should one sex be allowed to exclude another from its activities?
4. Did the boys have a right to refuse to play with a girl?
5. Were the boys morally right?
6. Did the coach do the right thing?

The Problem: Choosing Your Friends vs. Not Discriminating

Written into the Bill of Rights is the freedom of assembly. The government can't prevent people for no compelling social purpose from gathering together as they want. The "compelling social purpose" is often the sticking point. A colleague was once sitting in a car talking to a friend when the police threatened to arrest him if he didn't move on. Hugh thought that the reason for such a demand was that he was black and his car was parked in an all-white wealthy suburban neighborhood. "Racial profiling," that is, contending that particular racial groups are more likely to commit crimes than others, isn't a compelling reason. Hugh had a right to be where he wanted and the government didn't have the right to make him move.

But what about the other side of the coin? Does the government have the right to force you to associate with people not of your own choosing? What kind of freedom could you claim if you couldn't choose our own associates, acquaintances or friends?

Why Free Association is Important

Once I visited a commune in Connecticut, staying for nearly two weeks. This community, built upon principles of non-violence, cooperation and social justice, supported itself by manufacturing children's toys at its own factory. Everyone worked, including those who were physically and mentally handicapped. No one received a salary. Instead, the commune provided for all the amenities, from housing to clothing, from entertainment to education, distributing the goods equally amongst all.

Children were raised in this non-competitive atmosphere. They attended their own school on the commune and participated in doing the chores from a very early age.

Sharing and concern for others were primary values. They did their best not to hurt one another's feelings. They showed extraordinary kindness towards each other.

One afternoon, after work hours, I saw a couple of teenage boys from the commune playing basketball. I went to join them. The boys weren't very good, so I helped them practice a bit, then suggested that you play a two-on-one — both of them against me. Of course, they let me take out the ball first. I drove to the basket; they stepped aside. So you stopped play and I coached them on defensive skills. Then they took out the ball, passed to one another. When I moved up on them to stop them from driving to the basket or to block their shot, they were flustered and as much handed the ball to me, as if to say, "Here, you want it so badly, you can have it. You just have to ask."

This was the most peculiar basketball game I've ever played. I wanted to win, but they just wanted to share; I wanted a good competitive game, they wanted to cooperate.

I left shaking my head. The boys (I can't call them "my competitors") were probably shaking theirs as well. You were playing the same game but with different purposes, different values and different meanings. What gave me enjoyment gave them cause for concern. But I couldn't enjoy the game if no one challenged me.

I remembered this experience as I thought about this vignette. The basic issue for me is whether people have the right to associate with whomever they want and to establish whatever rules they want to govern themselves. The commune's unwritten values were: cooperation, inclusiveness regardless of one's ability and not hurting anyone's feelings. Society at-large doesn't abide by these values, but the commune is free to go its own way, imparting its own ideology, educating its children in its own way of life. The U.S. Supreme Court said basically the same thing about the Boy Scouts and homosexuals.

Since the Boy Scouts were a private organization, the Court reasoned, they were free to make their own rules and if they wanted to bar homosexuals, then that was their right.

Distinguishing Between Legal and Moral Rights

So with these thoughts in mind, let's look at the situation of Kimberly. Here there is also a group that wants things its own way. Boys want to play with boys and only boys, and this appears to be supported by the larger community. The boys don't want a girl on the team and are willing to quit the league in order to keep things as they are. They, like the boys on the commune I visited, have a value that is more important than winning. In this case the value isn't sparing Kimberly's feelings but male bonding.

So I'd like to approach Kimberly's situation in terms of right of association. And I want to consider it mainly from the point of view of the coach's actions rather than the boys' wishes since the coach serves as the society's surrogate and the resolution of the conflict ought to proceed from a mature point of view.

One solution to this dilemma may be legal. If the basketball team is in some way government funded, then it may be legal issues are real. To exclude someone who is otherwise qualified from the team because of sex when that same team is subsidized by tax-payer money is unconstitutional. If that's all there were to the situation, there wouldn't be much to discuss. But more interesting moral issues arise here because this is a private league. So, for the sake of this discussion, I want to assume that there are no legal considerations and instead I want to answer the question not as a lawyer but as a moral philosopher. I will assume that the team is not subject to or restrained by constitutional considerations.

The coach believed that by accepting the girl they would endanger the team's chances of winning because Kimberly's presence would be disruptive. He thought that no matter how stunning Kimberly's athletic abilities might she would still be a liability for he would lose more than he would gain. I don't know what the coach thought of girls. You don't have to assume that he was a sexist to deny Kimberly a place, only that he was convinced that the point of coaching a team was to win as many games as possible. Operating under that premise, the coach was right in contending that he was under no obligation to accept anyone who tried out, no matter how skilled they may be. He could take only those whom he thinks will contribute to the team's overall production. There's more to winning than talent, as many frustrated coaches know. Players also need to fit in; basketball is, after all, a team sport.

So even if Kimberly were the best player to step onto the court in decades, the coach could, with good reason, reject her. Kimberly was rejected not because of what she did but because of the reactions of others to her. If Kimberly were a selfish player, she could learn how to be a cooperative teammate; if she didn't get along well with others, she could learn how not to irritate. But a girl cannot learn to become a boy. There is nothing that Kimberly could do to satisfy the objections of the boys. Her problem is her anatomy, not her personality or her skills. She has done all in her power to qualify for the team.

Private vs. Public Groups

Still, some might argue, the boys have the right not to play with girls if they don't want to. By way of analogy, such critics might say, the hypothetical Albanian Fraternal basketball team might turn away the greatest athlete but it would be understandable and

correct if the person wasn't Albanian. The purpose of such a team is not simply to win its games but to win its games as Albanians. The club's purpose is primarily to foster ethnic identity and plays its games within that context. Winning games is subservient to that goal.

This is true enough. But the team described in this vignette is different. It is community-based and is tolerated and maybe even supported by the community because it serves the general interests of the community. If a community supports organized sports, it is in the service of certain values. After all, why would the community support an activity except that it is meant to accomplish or promote some goal? For the Aztecs, for example, sports were in the service of religion, for the late 19th century British it was to develop superior soldiers. In America today, several reasons are offered regarding the value of organized physical activity. Amongst them are that it helps promote self-confidence and good character. You think that it's good for children to be engaged in sports because you think that they will learn the values of compassion, fairness, integrity and what researchers Harmon Shields and Brenda Bredemeir call "sportspersonship."

Whether physical activities actually produce these qualities is open to question. But society thinks they do and they ought to. It is hard to see how discrimination against a class of people fosters those values. To reject Kimberly is to contradict, at the least, the value of fairness. Of course, this is not the only value, which a community may want to promote. But it does seem to me to me to be a correct ethical one. Turning Kimberly away, rather than educating the boys as to treating everyone fairly, is to miss part of the point of playing.

Confronting Stereotypes and Prejudice

I asked George Vecsey what he thought about this situation since he is a sports columnist with the *New York Times* and has had daughters who were student athletes. In addition, Vecsey had been the religion editor of the *Times* before moving over to sports.

"The core of the problem — a girl wanting to play with the boys — sounds as real and immediate as when my children, now adults, were coming along. My older daughter played in girls' leagues when they were available, but was good enough and competitive enough that she wanted to play against boys," Vecsey says. "There was a summer police-athletic-league softball program that was used by boys only. My daughter, then around twelve or thirteen, asked to play, and was told she could. Several boys voiced their unhappiness, but basically she was on the team."

Vecsey continues, "At the age of, let's say, nine there are certainly more important lessons than winning or losing. The elders surely have the right to make decisions for children of that age. I would like to think that adults would accept the right (or desire) of a girl to compete — particularly if there were no comparable level of competition for a girl."

At a later age, the situation may be slightly different. Vecsey says, "The question could be asked of the children: if Kimberly is good enough to play, who is really threatened — the two superior male athletes who are talking about quitting, or the boy who might play a little less because the girl took his spot on the starting team? What's really the issue? Let everybody talk. They just might work it out. At any rate, I would advise Kimberly's family to pursue her participation. In the long run, I see no negatives to having a girl play at Little League age — and I see considerable positives in forcing boys to face some of the old stereotypes. And I recall the bottom line in the community

program I ran in my town: if a parent or child could not live up to rules against cursing or heckling or rough play, they were invited to leave. I have seen our commissioner tell a father to go home from a game because he was yelling at his own son. The man left and never came back. The community had given the commissioner these powers. In the long run, the 'community' of this basketball program could rule that a girl is welcome to compete."

Inclusiveness vs. Winning at All Costs

Places on this team ought to be distributed on the basis of what each has earned compared to the performance of others. For a team such as this one, the only relevant consideration for membership is the ability to play basketball. Using this standard for fairness, Kimberly outperformed others and therefore deserves a place on the team. The treatment she received was undeserved and affected her in an adverse way. Kimberly was denied a place on the team solely on the basis of her being female. No other relevant characteristic of hers contributed to her rejection. Ethical concerns lead us toward inclusiveness, rather than exclusiveness, separateness and privilege. It is incumbent upon those who discriminate against classes of individuals to justify their actions on the basis of an ethical principle. Winning over all doesn't meet the test of ethical acceptability.

Kimberly did nothing to warrant such treatment. The attitudes of others made her sex a liability. While the boys' ability to concentrate on the game may be impaired by her presence, it is the boys' attitudes that need addressing. Vecsey agrees. "Kimberly's family probably pays taxes or dues or church tithes to support this league. They have the right to pursue her hopes of playing in this league presumably near her home. She and her family

should lobby with community leaders — elected officials, recreation officials, school officials, coaches, whatever. Ask for some kind of structured meeting or hearing — with the objecting boys present, along with some peers and some responsible adults, but not a general "town meeting," which could be counterproductive. Somebody just might raise the point with the boys: Is playing against a girl in this local league going to keep them from the National Basketball Association? Is it going to cost them a college scholarship? It doesn't sound that way."

Not Blaming the Victim

Kimberly suffered because of some anticipated effect upon team play. Let's say that some leave the team because of her, let's say that her playing on the team distracts others — this isn't enough to prevent Kimberly from playing. She isn't at fault. It is the attitudes of others that are at fault. She shouldn't have to pay for what others do.

The matter of not having a locker room available for Kimberly strikes me as a rationalization, a grasping at straws to cover the discrimination. Vecsey agrees. "I'm sure that is true at many gyms and schools and clubs. It is also true that young men socialize in the locker room, sharing secrets and lies and boasts, and they probably need and deserve some of these rites. But you can't tell me there are not ways around the shower and bathroom issues. A fading minority of professional athletes still grumble about female sportswriters in the locker room. The answer: a towel and a bathrobe. That simple."

Vecsey continues, "The fact is, many high-school athletes encounter female managers, female trainers, female doctors, female coaches, female administrators, female journalists, maybe even female officials, and soon come to regard them as part of the

process. Special arrangements are possible at some gyms; she could use the locker room before or after the boys; she may arrive wearing her sneakers and shorts and choose not take a shower afterward. Kimberly may decide that these alternatives are too embarrassing and decide not to continue playing, but that is her choice to make."

Real Differences Really Matter

By denying Kimberly the chance to play on the team because others had trouble with her being a girl the coach was reacting much like the military before segregation was overturned in the armed forces. Racially mixing the troops, part of the argument against integration went, would lower the morale of the whites and therefore affect the ability of the military to carry out its mission. Not everyone agreed. In July 1948 President Harry Truman ordered the integration of the armed forces. (You now know, from his staff papers, that the president was as much moved by a desire to have black support for the upcoming election as he was in acting ethically. Not all right actions need to be motivated by purely morally reasons.)

Today the military is the paragon of racial fairness. If whites couldn't — wouldn't — mix with blacks, then it was incumbent upon the armed services to redress the racism, not give in to it. However, for some, victimizing the recipient of discrimination is the easier than rectifying the ethical violation. Blacks upset whites? Keep blacks out. Girls upset boys? Don't allow girls in. Gays upset straight people? Keep them in the closet.

Having said this, there may be times in which it is better to separate males and females. That is the conclusion of some branches of military today. After years of sex-integrated basic training, the armed services are moving towards sex-segregation training,

as had always been the case for the Marines. This move can been seen differently than merely re-segregating the troops. The separate training isn't being implemented because males object to having women around but because women can get better training by being in all female companies at this stage of their career. The point of the segregation is to make them better soldiers, better able to compete in the long run, create a more equitable military culture. The new direction isn't to mollify the sexism of the male soldiers but the desire to better serve the female soldiers. The armed services tried to eradicate harassment of females but failed in basic training. For the sake of training females well so they can become good soldiers, the sexes are given the same training but apart from one another.

This is much the same rationale as having all-women colleges or all-black colleges. Some women and blacks, it is claimed, perform better in an environment that supports their intellectual talents, where they needn't deal with biases and a style of intellectualism that favors males or whites.

"By the teen-age years," Vecsey says, "there are reasonably fast leagues for the bigger, faster, stronger, more aggressive male athletes. I would argue that mixing girls and boys might hold back the development of the better athletes." Vecsey gives the example of Nancy Lierberman-Cline, who became a professional basketball player. "Nancy used to ride the subways of New York City from her home in Far Rockaway to the playgrounds of Harlem, to find competition against the best male players. The men in Harlem called her "Fire," and not just because of her red hair, either. She sought out the best levels. She found a way. I think girls will continue to seek out the best competition. Fortunately, more and more is available to women."

Unfair Discrimination

But this still doesn't fully address Kimberly's problem. She wants to play on this team, not another; she is as qualified as any male. No one is giving her anything.

"It might be helpful for trained leaders (teacher, clergy, coach, social worker, counselor) to hold a group session, bringing the children together to discuss the agendas, overt and hidden," Vecsey says. "At that point, it might be determined whether it is really the two boys who object, or whether it is a parent still operating on feelings from an era when girls did not try to compete. I would think it more productive to limit the meeting to the children. Quite often, adults speaking their piece in large communal meetings are not a pretty sight. However, if the group sentiment went against her, Kimberly might ask if she wants to associate with that attitude in the first place. I would urge her to look harder for a high level of girls' competition. These days it is not impossible to find. You have, indeed, come a long way."

Vecsey's suggestion is a practical one. It may be the only solution for Kimberly, but it a solution that is rooted in an unethical situation. The burden here shouldn't be on Kimberly. I think that she should have the chance to play on the team whatever the group sentiment. The only moral course is one that allows qualified players on the team, even if it means losing other players and a championship. Some things are more important than winning. Being fair is one of them.

Chapter Twenty-two

Is It Ever Right for Me to Discriminate?

Sally is looking for a new secretary. She interviews several people, all of whom are competent. She decides to offer the job to Tisha — even though Tisha did not type as fast or have as much prior experience as the other candidates, — because Tisha is African American.

Some questions to ask yourself:

1. Should a position always go to the best-qualified person?
2. Should you take into account someone's personal condition when offering a job?
3. How do you determine who is best qualified?
4. Should other factors other than skill be taken into account when giving someone a job?
5. Are preferences based on race, gender or ethnicity always wrong?
6. Is it fair to penalize people for wrongs done in the past?
7. Was Sally's action moral?

The Problem: An Individual vs. An Individual as a Member of a Group

Sally has placed herself directly in the thicket of the controversy surrounding affirmative action/reverse discrimination by giving a job to Tisha not because she was the

best-qualified person but because of her race. Another way of saying this is that Sally didn't give the job to others because they were white. This violates a basic ethical value, namely, no one should be discriminated against on the basis of their color. Assuming that Sally was well-meaning, what was thinking? Can she justify her actions in the court of moral judgment?

Affirmative action generally to refers policies by government and other institutions, such as schools, which give preference to members of racial or ethnic groups and women. So in this way Sally's decision is beyond the scope of the typical debate since she is simply using her own discretion, rather than enforcing policies or regulations. Nevertheless, her actions favor Tisha because of her race and in that way is very much like government programs that are criticized by critics of such actions as convoluted, confusion and divisive. The morally correct position, the critics of affirmative action claim, is one that is racially neutral, one that treats every person as an individual, not a member of a particular group of people.

The disagreement around the ethics of affirmative action comes down to this: should everyone be treated equally, as an individual, where competence is the only relevant consideration, or are there circumstances in which people are not treated alike and are responded not as individuals but as representatives of a class of people?

Sally's argument is: some people need a break more than others because of their background. Preferences need to be given to some because of past injustices. Fairness must take into consideration historical and political realities. Fairness requires that you take into consideration who a particular person is Sally's giving special consideration to Tisha because of past injustices, therefore, was the morally correct thing to do.

People Should Be Judged as Individuals

Those oppose to Sally's decision say that preferences run counter to the principle of equality and that impartiality should always trump partiality. The prime ethical principle is simple: all people should be treated equally. Fairness requires that people be "color blind." By choosing Tisha over other's because of her race, Sally discriminated against others because of their race. Sally's actions, therefore were immoral.

One of the strongest opponents of affirmative action is Supreme Court Justice Clarence Thomas. In an opinion in 1989 he declared that there is "moral and constitutional equivalence" between laws promoting affirmative action and those supporting slavery. They are both wrong, he writes, because they treat people not as individuals but as members of a class. Thomas argues that the fairest way for society to reward people is to treat each as an individual where the only important factor is how well the person performs. Factors such as history, race or ethnicity should be bracketed by society, counting for nothing in determining who gets what. If there are a limited number of positions available, those slots go to those who have the highest grades, work most efficiently, are the strongest and so forth. If 100 positions are open for the freshman class, the 100 with the highest SATs and grade averages should be admitted.

Ward Connerly, the successful leader of the fight in California against affirmative action, who himself is black, writes "When you become citizens of this nation, at birth or otherwise, you get a warranty with our citizenship. You are guaranteed the right to vote, the right to due process, the right to be a free people and not to be held as slaves, and the right to equal treatment under the law, regardless of our race, color, national origin, sex or

ethnic background. . . At the core of the American spirit is a sense of fair play. About 30 years ago, you embraced the concept of affirmative action to remedy the harm that had been done to black people."

What was intended to be a temporary solution to give blacks equal opportunity, Connerly says, has been transformed into a system which applies different standards to different individuals in order to create parity between racial groups. "What you found morally wrong and defined as discrimination 30 years ago," he writes, "you now simply ignore when it (impacts) white males or Asians or someone else whose group has more than its statistical share of the public pie."

From this point of view, Sally was being unfair to all those she rejected who were more qualified that Tisha. In making her decision, Sally may be taking an historical view, one in which citizens have an obligation to pay for past harms condoned by society. But why should Sally penalize present-day job-seekers for something done in the past? Representative Henry Hyde doesn't think so. He said, "The notion of collective guilt for what people did [over] 200 years ago, that this generation should pay a debt for that generation, is an idea whose time has gone. I never owned a slave. I never oppressed anybody. I don't know that I should have to pay for someone who did [own slaves] generations before I was born." A letter writer to *The Washington Post* answered Hyde by writing, "Well, because some people are descendants of slave owners and have profited from the labor of blacks who were never paid for their labor."

Having Standards to Meet Particular Needs

The anti-affirmative argument contends that society should allocate its resources much as you award winners in an athletic competition. The event is won by the fastest, not the favorite. At least that is the theory behind competitive judging.

In fact, sometimes even sporting events aren't and can't be judged simply on objective criteria. Some events lend themselves to objective measurements — who jumped the highest, lifted the heaviest weight, crossed the finish line with the fastest time — but it isn't true for other sports where there is always a subjective element in the scoring. That is why there are several judges in figure ice-skating. Form is an aesthetic element, something that appeals to the senses or the sense of pleasure. It is how it appeals to the eye of the judge.

If scoring were completely objective, you would need only one judge or, even better, a machine. However, each judge sees something slightly different and the skating (and judging) is as much an art as a science. Therefore, it may not, in some totally objective sense, be the person who is the *best* that has won but the person who this particular set of judges has deemed to be the best. Once this element is admitted, you recognize the subjective side to scoring. Most of the time that subjectivity is kept in check by the desire of the judge(s) to be fair. But anyone who has watched competitive ice dancing knows that, for example, Canadian judges favor Canadians, American judges lean a little toward American skaters and so forth.

The subjective element need not be biased against any one individual, although it may. Superstars in basketball get away with much more than do rookies. The NBA is a business and its economic success turns on fans cheering the future Hall of Famers. So

you don't want the greats sitting on the bench because of fouls. The result is that the refs, in fact, have different standards for different players, depending upon their popularity. Another example, this time from baseball: Three umpires are discussing the nature of the strike, a notoriously elusive dimension. The first ump says he calls them as they are. The second ump says he calls them as he sees them. The third says they ain't nothing until he calls them.

This bothers most of us. Skaters should be skaters, their prowess judged on the basis of their athletic abilities, not their nationalities. Skill should be the measure, nothing else. Sporting competitions are meant to be strict meritocracies, pure examples of the most qualified rising to the top; contests should be objective and fair. In reality, there are other considerations besides skill. Athletes get injured and competitions aren't rescheduled, so the best may not win but the lucky. And the phenomenon of the 'home court advantage' indicates that something other than skill enters into the equation.

You would like it to be otherwise. Merit should be based on ability, not status or breed. On the other hand, traditional societies have a different hierarchy of values. Royalty is royalty not because the person makes a good queen but because she was next in line to rule. Nepotism is standard in tight-knit groups; the more intense the loyalty, the greater the tendency to favor your own kind. This is rooted in the sense that those closest to us deserve favored treatment. The circle widens from family to kin to clan to tribe to nation, the ripples of the circle becoming increasingly weak.

Martin Luther King called for a reversal of the traditional thinking when he said that you should judge people on the basis of their character, not the color of their skin. Let each person prove herself without the impediments of biased loyalty. So the right thing for

Sally to do is to ignore race and give the job to the best-qualified person. She should close her eyes, ignore a person's background and let competency speak for itself. This is what a democracy is all about — it is the American Dream. No one should suffer because of their race. Fairness requires color-blindness.

Taking Specific Needs Into Account

So, what if anything, can be said on Sally's behalf? Is there any moral justification for Sally's hiring Tisha, someone less qualified than others applying to do the same work? You don't know what Sally had in mind when she hired Tisha. Maybe Sally dislikes non-blacks. If that were the case, then the decision would be prejudiced, and that hardly qualifies as a moral claim. But let's assume that that wasn't her reason, that her decision rested on something more noble instead.

Rather than using equality as her yardstick, Sally chose equity. Equality treats everyone the same regardless of his condition; equity tries to even things out. Equality assumes that everyone starts from the same place; equity assumes that people start from different positions. Equality assumes that society is already fair; equity assumes that society needs to be made fair. Equality looks at the present moment; equity takes the past into consideration and makes predictions about the future.

Ethical judgments depend in part on how you understand and interpret the facts of the situation. So part of whether you accept Sally's reasoning depends upon how you analyze American society. If you believe that racism is an insignificant factor, then Sally is wrong. If you believe that privileges accrue to white because of their race, then Sally's decision makes moral sense**.** It seems beyond dispute that the economic gap between

blacks and whites in America is closing. At the same time blacks still lag far behind whites in most social and economic indicators. Whites see the first statement as most significant; blacks tend to focus on the second part. This, in turn, leads to differing evaluations of the morality of preferential treatment given to blacks.

History and Sociology as a Factor in Making Ethical Choices

Many whites who oppose affirmative action fear that affirmative action leads to less qualified blacks being hired and promoted over more qualified whites while blacks are afraid that without affirmative action, less qualified whites will be hired or promoted over more qualified blacks. Different lived realities mean different interpretations of the facts of life. Regarding racial relations, this has led to, in the words of journalist Harmon K. Shipler, "a country of strangers." Whites tend to believe that racism is the thing of the past and has no bearing on the world today. African Americans tend to believe that they are disadvantaged in many subtle ways, all adding up to something less than a fair shake. Whites, therefore, see affirmative action is reverse discrimination while blacks see it as helping to bring things back to where they should be.

Sally may have chosen to give Tisha the job because she was afraid of a lawsuit. This and other self-serving reasons don't count as moral but prudential. But assuming that Sally's interpretation of social reality is close to the truth and her intention was to do her part to make up for a larger injustice experienced by African Americans, there are still other factors to take into account before deciding whether her action was morally correct. It would be one thing if it were her own business. Then her decision would be cleaner. For if she wanted to pay for Tisha's inefficiency herself by making less profit, then she can do

that. In a sense, what she is doing is not so different than writing a check from the company's accounts to her favorite charity. She is free to do what she wants with her own business, even take it bankrupt.

But if Sally is working for someone else, she has a larger web of people to whom she is accountable, primarily her boss or the stockholders, or in the case of a non-profit organization, the members or taxpayers. She can't decide on her own to rectify a social wrong and make someone else pay for it. This means that when Sally decides to hire Tisha, she must also take on the task of making Tisha a more efficient worker and do this is such a way that the cost is truly hers, not the company's. Sally may have to train Tisha, work more closely with her than she would other secretaries, give her encouragement, all without doing less elsewhere. Maybe she could even pay for Tisha to attend secretarial school, at night or on the weekends.

The Value of Diversity

Having said all this, there is yet another dimension to this vignette. Sally may not be thinking in large social terms. She may not care about racial prejudice. She may not even think that Tisha deserves a boost or should somehow be compensated for past wrong. Instead, she may think that the best secretary, in the long run, may not be the person who performed best during an interview or started out with the best measurable skills, such as typing and taking dictation. Sally could be looking at the situation in purely business terms.

Tisha, in Sally's view, may possess other intangible qualities that are real assets to the company. Sally may take the position as that of several universities who claim that

there is a value in diversity itself. There is something enriching being with those who are different. Perhaps she was thinking that bringing in Sally a new creativity would be brought to the business, a leavening in an otherwise conventional setting that could use creative spark. In this case, Sally was investing in the future. She would work with Tisha to get her up to speed so that Tisha would then contribute to the business in a way that other white candidates simply could not.

There is nothing wrong with businesses making putting off short-term gains for long-term investments. This isn't reverse discrimination but more like a prudent business decision. One can argue about whether racial diversity really has this value but this is different than saying that it is unfair to whites.

Sally's willingness to extend herself to Tisha may not lower the company's efficiency but rather may well contribute to it. There are other factors, which may contribute to Tisha's success at work — Sally's help being one of them. Objectively Tisha may not have been the best person for the job when she was hired. I hope that Sally believes that Tisha can become as good as any other person for the job, if given the right support. Sally is taking a chance on a person's potential. I also hope that Sally isn't doing this without the support of her superiors. Without a commitment to affirmative action from the top, Tisha is likely to fail. As hard as it is to create a diversified workplace, it is just as difficult to maintain it. Tisha's failure on the job is likely lead to reinforcing stereotypes on both sides of the racial divide: you see, I told you blacks aren't really competent; I told you so, whites are happy to see African Americans fail.

If Sally can't find support for diversifying her workplace, if her superiors find no value in such an arrangement, if the only value that the company endorses is increasing

profits (or however a non-profit organization measures success), then Sally has to decide for herself how important her ethical values are. If she can't square her own conscience with her work, she may have to quit. If she doesn't quit, then she may have to examine her own conscience. There is an adage that says that everyone has a price. I don't know if this is true. But what is true is that those committed to moral behavior sometimes have to pay a price for their scruples.

Chapter Twenty-three

Should My Personal Values Stay At Home?

Lyn is a job developer with a refugee assistance program. While many of the refugees are well-educated, their English-speaking ability is limited. Most of the placements are in menial labor. A manufacturer of military hardware notifies her office about openings. The company pays well and will provide English classes in order to promote the new workers to positions commensurate with their real abilities.

In her personal life as a political activist Lyn opposes military expenditures. However, she decides to send the refugees to the job interview.

Some questions to ask yourself:

1. How do you decide what you conscience demands?

2. How do you balance personal values with the values and objectives of those you work for?

3. Should your personal values be set aside in the workplace?

4. Is consistency between personal values and marketplace values possible or even desirable?

5. Did Lyn do the right thing?

The Problem: Personal Values vs. Professional Standards

Life would be simple if all our values harmonized with one another and if all our values were consistent with the values of the community around us. This is the objective of Confucian ethics, where harmony is viewed as a prerequisite for happiness. Over the centuries, this desire to eliminate disharmony led to a rigid system of rule following that reinforced social inequities between men and women and rulers and followers.

As you have learned from stories about gangsters, there is often an honor amongst thieves. They are square with one another and many are loving and compassionate towards those who are close to them. But they apply a different set of values when they go about their business. Here ethics is set aside and right makes might.

The same disconnect between living by one set of values in our homes and another at work is a common problem. You want to do the right thing, but what is the right thing when different settings seem to require different responses?

Conscience in the Workplace

For several years my wife, Lyn, worked for the Adelphi University Refugee Assistance Program as a job placement officer. At that time, much of Long Island's economy rested on military related companies revolving around aircraft manufacturing. The best paying jobs with the greatest possibility for advancement were mainly in that industry. There was no question that it was better to work for Grumann than for MacDonald's, if the measure of a good job was calculated in pay and working conditions. So she often would find herself feeling pulled between wanting to find the best jobs for her clients and wanting weapons industry to go away.

Lyn faced what many socially conscious and conscientious workers confront — a separation between personal convictions and demands of the workplace. On the one hand, Lyn wanted to do her job conscientiously, believing that finding good jobs for people was a good thing. On the other hand, Lyn also took her political values seriously. For her, this meant opposing the "military-industrial complex," as defined by Dwight Eisenhower in his farewell speech as president of the country.

This is a dilemma that is frequently faced by those who have to go to work for a living. What you need to do may not be in harmony with what you would like the world to be like. Lyn's dilemma points out that even those in the not-for-profit sector can still have this problem.

Some Ways to Avoid the Problem

One way out of the conflict is to redefine the conditions so that there is no dilemma. If, for example, you believe that capitalism is in itself an ethical system that works to everyone's advantage all the time, then everyone's good is served by putting aside personal values and simply doing your job. Financier George Soros summed up this approach by writing, "Laissez-faire capitalism holds that the common good is best served by the uninhibited pursuit of self-interest." In other words, let the refugees pursue their own interests — with Lyn's help — and everything will work out to the moral best. This really begs the question in this case, though, since the issue still remains, What is Lyn's best ethical interest?

Another way to attain consistency in values is to avoid the problem in the first place by taking a detached stance. Some religions promote such a position, regarding this

world as somehow a pale reflection of a more real other world. Some artists have tried this approach as well. Matthew Arnold, for example, thought that the true poet ". . . will not maintain a hostile attitude towards the false pretensions of his age; he will content himself with not being overwhelmed by them. He will esteem himself fortune if he can succeed in banishing from his mind all feelings of contradiction, and irritation, and impatience."

But I don't know a poet today who doesn't experience the contradiction between a dedication towards art and the commercial demands of the publishing industry, which increasingly displaces an interest in literary values with a concern for profit margins. Imagination, freedom and money are the three legs of the artist's stool and they are always in a wobbly relationship to each other.

I also know how difficult it is to get agreement amongst members of one family, except those run by autocrats. Not only are there differences of taste but there are also varying interests. What children need and want is not the same as it is for adults, what a husband and a wife need isn't always or necessarily the same thing, not everyone agrees upon what is owed to grown brothers and sisters and so on. Public lives are no different in this regard, only more complex. You are not dealing with three or four or five people but with 250 million, if you confine our thinking to present national borders. From this I conclude that politics will always be with us, that it is incumbent upon us to live a public life in order for the interests of all people to be fairly represented and that the outcome of our efforts will always be less than what you want.

I don't see how it is possible to live life in which our deepest ethical principles aren't challenged at least some of the time. Still, to what extent should Lyn's political concerns intrude upon her work? I presented this problem to Father Bill Brisotti, pacifist

and social justice activist who has spent time in Central America working with peasant farmers. Brisotti is a parish priest whose ministry is with the Hispanic community. I asked him in particular because his commitment to social justice is without peer. Indeed, he has been arrested several times for acts of civil disobedience. I think his response is so thoughtful that I want to repeat all that he said.

Living Consistently

Brisotti writes:

> If Lyn's opposition to military expenditures were based on true, moral convictions, she would not send the refugees to the job interview. She has acquiesced to shallow expediency, thereby inviting the refugee to join her as part of the problem, rather than as part of the solution. It's like inviting a death row inmate to work on keeping the electric chair in good repair, paying him well, giving him nice privileges, and, eventually, frying him in his polished and diligently maintained death machine.
>
> The military manufacturer pays well and offers enticing benefits and opportunities due to the wastefully misguided spending priorities of the United States Government. Seemingly unlimited funds are afforded to military matters, further limiting public monies available for the infrastructure providing education, health care, transportation, and other necessities for ordinary people, especially the poor. Cost overruns are no problem for the "black hole" of military expenditures.

However, Lyn's decision should not be founded on an un-nuanced equanimity of values of what might be bought with public funds; perhaps a little less to buy machines to kill peasants attempting to improve their lot in third world countries, making a little more available to educate some of their survivors in Chicago. People attempting to "assist" refugees have to be aware of, and to take into account, the larger picture of their lives, and what is truly beneficial to them.

The refugees come to Lyn for guidance in their plight. In most cases, they were forced to leave their families, homelands, and all that is dear to them, due to military repression and severe economic hardship. Even if they are, as our vignette suggests, part of the relatively well educated minority, the "men with guns" have made a decent life impossible, skewing the balance of power interminably in favor of the ruling elite.

The socio-economic dysfunction of a refugee working for a military manufacturer is rather clear. The world-wide trade of military technology and hardware expands the base of grinding poverty, foments international as well as intranational hostilities, bolsters the control of the dominant elite, and produces refugees. The refugee would be laboring to earn money to survive here in an environment hostile towards poor immigrants, while sending money to family members at home, struggling against forces

within his or her homeland propped up by the ready availability of the very weapons he or she is working to build. This is the classic "Catch 22," where his diligent efforts to resolve his problems are aggravating them.

Trying Harder

A true advocate for refugees would have no trouble finding uncompromised resources whose sole purpose is to help the refugees be proficient in the English language. I find this similar to the United States Army, Navy, Air Force or Marines propagandizing inner-city youth with promises of college education, career training, and other avenues of upward mobility, or, at least, an escape from the ghetto. Find a frustrated, hungry person and offer him free food as well as light at the distant end of the tunnel; unfortunately, the food is laced with cyanide and the light at the end of the tunnel is a fast-moving, on-coming train. He'll devour his food and run towards the light, if he's desperate enough.

From a moral perspective, Lyn's action is difficult to defend. Perhaps she thoroughly explained the situation to the refugees beforehand, and let them make the decision. However, our vignette indicates she decided "to send the refugees to the job interview," which seems to connote a certain moral persuasiveness on her part as an authoritarian figure. She certainly must bear some responsibility for the moral implications of the work of any of these people, if, indeed, they go to work for that company.

Lyn is helping propagate the lie that death-dealing industries, with smooth promotional techniques and bottomless resources, are simply a legitimate part of the occupational landscape. You can sell automobiles or Trident submarines, both are A-OK. Some may even argue that more people die because of automobiles than nuclear subs. This is probably true, superficially speaking, considering direct deaths through accidents as well as indirect deaths through cancer or other illness with auto emission pollution as a contributing factor. However, after further study, you see that the very existence of a Trident sub has already caused death through its theft of resources, through radiation-induced illness at all stages of the nuclear fuel cycle, through its major role in the U.S.A. arsenal and that of the rest of the members of the Nuclear Club, maintaining military dominance and controlling the destinies of Third World nations, holding the nuclear gun at the head of every living man, woman and child on the face of the earth. How else could less than sex percent of the world's population, in the U.S.A., control most of the world's resources, feeding our insatiable gluttony, while thousands of children die daily from hunger?

Lyn's protégé would probably find success in the industry that makes the U.S.A. the world's leading merchant of weapons, particularly to Third World countries. Her agency may even get funding from General Electric,

Westinghouse, or some other major weapons producer happy to be in partnership with her.

Lyn did not do the right thing.

I agree with much of Brisotti's comments, but I disagree with his conclusion. First, here's where we agree. If Lyn didn't care about public life or if she believed that there was no connection between private and public selves, she wouldn't have a problem. But she makes no such distinction, so here her personal commitments collide with her obligation to carry on with her chosen work. She isn't alone in this. Many people find a gap between their personal beliefs and professional requirements.

Sheriff John McDougall in Florida is a good example of this. A Franciscan seminarian for seven years, as a Catholic, he is staunchly opposed to abortion. He wrote a letter to the head of an abortion clinic that he would carry out his duty to protect "even a baby killer like yourself" but would also assist the protesters "who wish to protect the misguided mothers who come to your clinic of death." He is quoted in The New York Times as saying, "I'm in the business of protecting people and it's frustrating that I can't protect these little babies. You have to speak out on social ills."

In the vignette Lyn is caught in a similar bind. She, too, must choose, this time between her own anti-military convictions and the welfare of those who use the services of her agency. I presume that Lyn wouldn't work for a military contractor herself. She would probably find an alternative and, I suspect, she would take a job for less pay than to be associated with the military. Being employed by such a company is tantamount to

abetting a cause, which she opposes. But here she is not making a choice about her own career but about the future of others.

Conflicting Values are Part of Life

Now, here's where Brisotti and I disagree. Lyn doesn't have an obligation to offer to refugees any and all jobs that she learns about. There probably is a market for hired assassins ,but she wouldn't place someone in that job because the work itself is criminal. Similarly, she has no obligation to place someone in a setting, which is criminal, such as a sweatshop. Those limits are pretty clear and enforcing them doesn't rely upon her personal evaluation.

There are other areas that are not so clear. Say she knows of a good job in which the employee will be paid off the books. The work itself isn't illegitimate but the method of payment is since, at the very least, it circumvents paying taxes. Does her obligation extend to placing herself between an employer and employee which both find acceptable but about which she has questions, or is the morality of this particular job only a matter of conscience between the two parties?

In the particular instance facing Lyn the work isn't illegal and the means of employment are above board and legitimate. In fact, if it were possible to leave aside the product involved, it is an excellent job. Lyn, however, cannot consider the type of industry irrelevant. But she is not willing to impose that viewpoint on others. If the refugee opposes the military also, then the refugee will turn down the job.

I think that Lyn is willing to make this compromise because she isn't fully committed to eliminating the military, doesn't find the industry repulsive enough or its

work so horrendous that she cannot assist it even this much. For example, if the state was looking for the executioner to work the electric chair and she was opposed to capital punishment, it is unlikely that she would offer the position as good job opportunity. It probably would so disgust her that she would quit rather than aid state-sanctioned killing.

Compromising One Value for the Sake of Another

Although she also opposes state-sanctioned killing known as war, the force of her conviction is not as thorough. It is more like the vegetarian who won't eat meat but will tolerate eggs, drink milk and wear leather shoes. This is not to dispute the significance of such principles, only that the principles are not total. They are guided by additional considerations. Lyn may oppose war in general but not all wars, whereas her opposition to the death penalty may be unconditional.

In this vignette, there is another important consideration aside from her opposition to the military. Lyn has a commitment to the individuals who depend upon her as a source of decent employment. The agency she works for doesn't tell refugees that it will offer them only politically acceptable positions. The agency doesn't make such judgments and neither does Lyn, not because she thinks such considerations are unimportant but because she believes that people are free to make their own political decisions including what kind of jobs they will work at. This is a respect for the conscience of each person, a tolerance for political differences, which is reflected in this neutral stance.

Whether Lyn's decision is judged correct depends upon how you ourselves oppose the military. If war and its accouterments are assessed as evil, then any relationship to it is also evil. But it is possible to object to a policy and work to overturn it without at the same

time rejecting everyone who has contact with the implementation of that policy. The compromises you make between private and public lives are a matter of finding a balance so that you aren't fanatical or indifferent.

The mistake I think Lyn could make would be to withhold the information from her clients. If she so strongly objects to the nature of the job placement, she should resign as a matter of conscience. (Similarly, if Sheriff McDougall cannot protect the abortion clinic workers, he needs to quit as a law officer.) But as long as she stays, her work demands that she find the best paying jobs under the best working conditions with the greatest possibility of promotion. The only consideration is whether the job is legal. That is what the clients think she is there for and they are right. She can try to persuade them to take whatever political action Lyn thinks desirable, but that she needs to do as a private citizen.

Chapter Twenty-four

Can the Ends Justify the Means I Use?

A convicted mobster decides to make a charitable contribution. He offers more than $1 million to a hospital to build a children's wing. He will make the contribution if the new pavilion is named after him. The hospital board accepts the gift, with that stipulation.

Some questions to ask yourself

1. Who is hurt if the hospital turns down the money?
2. Who will benefit if the money is accepted?
3. Do you think that the source of a gift matters?
4. Does the motivation behind a gift matter?
5. What is the responsibility of the board of a non-profit organization?
6. Would it be different if the donor's name wasn't on the building?
7. Does the size of the gift make a difference?
8. Do you think the hospital was right in accepting the gift?

The Problem: Doing Good With Something Obtained Immorally

The conflict in this story stems from the strain between hospital's need for the money and the money's being tainted and coming with a controversial string attached. Non-profit organizations engage in something like this all the time. You can probably

name a religious institution that puts the name of a morally questionable person on a plaque or a university that offers an honorary degree to a celebrity or a city that names a stadium after a corporate donor. At the university in which I teach, there is a modest building named after a prominent political figure who served a year in a federal prison for extorting money from county employees to go his political party. And in recent years, many non-profit groups have engaged in land deals that have been criticized by environmental organizations. The John D. and Catherine T. McArthur Foundation, the "genius granting foundation, faced this problem in its investment in Florida property. Murray Gellmann, a Nobel Prize winner on the MacArthur board, asked "Do you make a financial sacrifice for local environmental reasons and then make it less easy to make grants for worthy causes, including important environmental causes elsewhere?"

Understanding the Reasons of Various Parties Involved

Matters of this sort raise questions about the public good. As such, the answer should evolve out of a public discussion, one that promotes communication amongst the various parties involved. Where do you draw the line? How do you draw the line? So I asked a journalist what he thought. Seifert was part of a team that won a Pulitzer Prize for its reporting on the Mt. St. Helens eruption and its aftermath. He also published of a community newspaper in Portland, Oregon. Seifert says that as a journalist his job is to lay out the issues involved and to attempt to understand the perspectives and interests of the people involved — the convict's, the hospital board's, the children who will need the hospital facilities, the community as a whole. He says that the question that lurks behind

the story is this: “Did the hospital's decision go beyond some benchmark of a community standard of acceptable behavior?”

As with many ethical problems, it’s useful to get as many facts as you can. Here’s the people Seifert would interview and some of the questions he would ask as a journalist:

The chair of the hospital board. How large was the majority in favor of this decision? Were other potential benefactors approached and what were their responses? Was the decision forced because without this money there would be no new wing? Was the board approached or did it solicit this donation? How do you respond to the criticism that the money is "ill-gotten" gains? How do you think the public will react? Did the board discuss possible public reaction, and, if so, what did they imagine it to be?

A dissenting board member, *if any.* Why did you oppose the decision? Would the gift have been acceptable without the name condition? What does the decision say about our values today? Do you feel the board majority is in tune with community values?

The mobster. Why did you decide to give to the hospital? Did you initiate the idea of the gift? Why was the name provision made a requirement of the gift? What is the source of this money? Did it come from legitimate businesses? What do you feel the public's reaction will be to your gift and to the name provision? Were you surprised that the board accepted? Have other donations from you been refused or accepted, and, if so, by whom? (If others refused or

accepted, they would be interviewed.) Do you feel remorse for what you have done? Is this contribution a form of retribution?

The chief of the medical staff. Will the board's decision affect the medical mission of the hospital? Do you agree with the decision?

A sampling of parents with children who would benefit from the new wing. What are your reactions to the decision?

Public officials. What are your reactions to the decision? Would you have accepted such a gift for a public building? A library or courthouse, for instance?

HMO officials who might refer patients to the hospital. Will this decision affect your patronage and referrals to the hospital?

A professor of ethics from a local college or university. What does the decision say about the ethics of the board and its sense of the ethics of the community? How do you analyze this decision ethically?

A religious leader. . . particularly if the hospital is a sectarian one. Would your church or synagogue accept such a gift?

Hospital volunteers. Does the acceptance of the gift change your feelings about the hospital and its leadership?

The leader of another public-service institution. What would you do if you were in the same position as the hospital's leadership?

The Importance of Benevolence

These are all good questions and go into deciding whether the hospital's action was morally justifiable. But the facts are also needs to be filtered through some general principles regarding the uses and abuses of money, and the relationship between means and ends. It also presents a problem of proportionality. What I mean is how much bad is done in the cause of doing how much good.

First, some general observations about giving money. There is near unanimity amongst religious leaders and moral philosophers that the accumulation of money isn't a good in itself but that money should be used to help those most in need. Parting with one's wealth is endorsed by every religion. The Hindu Rig-Veda says, "the wealthier man should give to the needy;" the Jewish bible reminds that "he who gives to the poor shall not lack;" the New Testament states "it is more blessed to give than to receive;" and giving alms to the poor is one of the five pillars essential to the Muslim faith. Similar sentiments are found in other religious and ethical tradition. The wealthy are implored to part with a portion of their wealth to support those in need. Modern society forces people to be charitable by taxing them, so as to redistribute their wealth to underwrite community needs and support the less fortunate.

Making the Best of a Bad Situation

But what do you do with the money that has been gotten unethically or illegally? There is a story told about a minister in Pennsylvania years ago. One of his parishioners, Jack, enjoyed fishing more than church-going. One Monday morning he presented the minister with several pickerels. The minister thanked Jack for the gift.

"But those fish were caught yesterday," Jack said. "Perhaps your conscience won't let you eat them."

The parson stretched out his hand to take the fish. "There's one thing I know. The pickerel weren't to blame."

The tax collector has much the same attitude. Al Capone was imprisoned for tax evasion, after all.

There are numerous examples of something good having come out of, if not dirty money, then gray money. For example, the world's most prestigious peace prize carries the name of the inventor of nitroglycerine and dynamite. Evidently prodded by a guilty conscience, Alfred Nobel, one of the richest men in the world upon death left his entire fortune to reward ". . . those persons who shall contribute most materially to benefiting mankind during the year immediately preceding." In 1997, the money from the dynamite fortune was used to fund a group whose mission it was to remove land mines from around the world.

19th century robber barons present another example. During most of his life, Andrew Carnegie was the embodiment of the "gospel of wealth." This doctrine included the least public interference with individualism, private property and the process of accumulation. However, for the last two decades of his life, Carnegie turned the tables on

himself and became the paragon of philanthropy. During his lifetime he financed more than 2,500 public libraries and gave away more than $300 million to numerous good causes. Today Carnegie and other like him stand as models of selfless use of money. And thousands of poor children were able to read books because of Carneigie's gift.

Whether the Nobels and Carnegies made their fortunes honorably or not is arguable. In regard to the vignette presented here, there is no question about the origins of the money. The donor is a convicted mobster and the money is tainted. Now he wants to take his money and wash it by putting it to a socially acceptable purpose. The temptation to take it is great. Look at all the good that has come from ethically questionable philanthropists — libraries, museums and concert halls. If this mobster wants to put his money into helping children, then let him. Take the money, put his name on the hospital and use the money to treat sick children, even save their lives in many instances.

How Much Harm vs. How Much Good

Whether to accept the money is similar to some of the kinds of questions considered by Institutional Review Boards at hospitals. I once served on such a committee at Long Island Jewish Hospital, a major research center. The task of this group was to pass on the ethical acceptability of research. The ethical consideration behind many of the requests for research was the relationship between means and ends. All the proposals intended to improve medical the treatment of illness, but was the method proposed by the researcher consistent with ethical principles, whatever the desired outcome?

So each month I received a packet of proposals, sent my recommendations to the chair, then later in the month discussed these and other proposals with the entire

committee. As one of the lay members, I wasn't being asked to comment on the validity of the research (that was done by peer review) but on the ethics of the protocol. Mostly you wanted to ensure that the patient had given his informed consent. Did he give his consent voluntarily, did he understand the risks involved? Did he understand the nature of the research? Occasionally, the morality of the research turned on whether the protocol stepped over an ethical boundary: did the possible side-effects outweigh the potential gains, did the research subject the volunteer to such risk that it should not even be attempted? Most proposals were routine, requiring only minor changes requiring the language to be put in plain English. Occasionally, a protocol was rejected.

Once you turned down a psychiatrist's proposal to study the causes of panic attacks because his experiment would deliberately bring on the symptoms he wanted to study. In effect, the committee said that no one can volunteer to be tortured, even if the results of the experiment would be a real benefit to sufferers of such disorders. Although the information he might find could be of great benefit to suffers of panic attacks, he couldn't get this knowledge by using a subject in the manner he proposed.

Today all research involving human subjects, whether at a hospital or at a university, even if it involves something as innocuous as a questionnaire, must be approved by an ethics committee. Not so in the past. Experiments secretly done on black men to determine the effects of syphilis is one not so distant example from the United States.

Will Using Something Bad Encourage Others to Do Bad Things?

Another example comes from the Second World War. Upon entering Dachau, Allied troops found documents detailing the results of medical experiments performed by Nazi doctors upon living and unwilling prisoners. How much pain could a person stand? What were the sources of pain? How did people react to particular vaccines? The results of those experiments are still under seal. The medical profession refuses to look at the material contained in the files because the method used in obtaining it was unethical. The position is that if the information obtained from the experiments upon humans were published, the methods employed by the German doctors would be condoned. It would be triumph of the ultimate utilitarian ethic — the ends justifying the most depraved means. Furthermore, the fear is that if the now-sealed studies were published, it would open the door to other unscrupulous human experiments.[1] This is a variation of the slippery slope argument often used in ethics. Once you slide down the questionable ethical terrain, there is no stopping or controlling what happens next.

There is a case to be made, though, for the release of the information contained in those files. Information there may turn out to be useful in curing certain illnesses. The psychiatrist at the Long Island hospital may not have to design a new study to find out the cause of panic attacks; maybe the answer is already waiting to be read. As it is now, the information in the Nazi files does no one any good. Since the information already exists (and may never be gotten in any other way), let it help others. You can't undo the torture or bring the dead back to life. But if you did read the records, the victims of the experiments would be honored — their deaths would not have been in vain. Listening to

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[1] Evidentally, the American military in the Pacific had different ethical sensibilities than those in Europe. According to Iris Chang, author of *The Rape of Nanking*, the U.S. exonerated Japanese doctors who had engaged in diabolical medical experiments in exchange for their data about the effects of germ and biological weapons.

this line of reasoning, a friend of mine scornfully said you could call the repository of such information the Joseph Mengele Institute for Anatomical Studies.

Short-term Consequences

Seifert believes in the situation of the hospital the board's decision cries out for public comment and discussion. The board would have to make an exceedingly compelling case in support of its actions or there would have to be equally compelling extenuating circumstances.

What might those circumstances be? Seifert asks, “Has the donor paid his debt to society by serving out a prison term? Is he rehabilitated? What was the nature of his crime? How long ago did it happen? Has he expressed remorse about his former life? Did the donation come from legitimate activities he engaged in after his rehabilitation? Is he now a respected member of the community in his own right?”

So the problem with accepting the money is that while it may make children healthier and even save lives, the hospital would be endorsing and even honoring criminal behavior.

But won’t children suffer who would otherwise not if the gift is rejected? Yes. Fewer will be treated as well as they could if there were a new and better facility. But — and this the convincing argument for me — if money could buy respectability, if fortunes could clear the names of people who are otherwise contemptible, then all ethical standards and values amount to nothing more than talk. This is sometimes the case, where money talks and might makes right — clichés that reflect social reality. But saying that it happens all the time doesn’t make it right. A description isn’t the same as a prescription and ethics

is about prescribing the right moral course. Sociology describes what *does* happen but ethics portrays what *ought* to happen.

Seifert takes a step back from the immediate situation and comments that "it says something about our community that the board would feel compelled to take money from a mobster. Why weren't others in the community willing to step forward? Is the community so impoverished that there simply aren't other sources of funds?"

The Long-term Harm May Be Too High

Good questions and Seifert is correct by broadening the focus. Nevertheless, the hospital board had to make a decision when the gift was offered. Lobbying for funds and launching a public relations campaign are long term strategies. Faced with the choice it had to make, the hospital board could have — and, I think, should have — turned down the gift. By accepting it they have become complicit in how the money was gotten and have condoned all such future behavior. The gift surely would aid children but at the same time it has helped make a world which honors gangsters who violate the social order equal to doctors who toil to make the world a better place.

It is possible that the gangster has seen the errors of his ways and now wants to become a respectable citizen by putting his money to good use. Sainthood is always an option for the sinful but this hardly seems the case here because he wants his name prominently displayed. Henry Ward Beecher once said, “A man should fear when he enjoys only the good he does publicly. Is it not publicity rather than charity, which he loves?” This is an echo of the thoughts the 12th century Jewish philosopher Maimonides, who created a hierarchy of giving and placed anonymous charity at the top of the list. So if

the mobster were sincere, he wouldn't attach any strings — no name, nothing. There is no change of heart if he insists upon putting his name on the institution.

But it isn't his heart that matters but the money, the counter argument continues. True, but if the money comes his crimes, then it really isn't even his to give away. He has no claim to it and he has no right to the fame that comes from donating someone's money. Here I have to make an assumption. Since the protagonist is identified as a convicted mobster and he has $1 million to give away, this isn't a petty thief. And the gravity of his offense makes a difference to the decision whether to accept the money. As with the Nazi doctors, their crimes were crimes against humanity and there should be no question that memories of their deeds should only be ones of opprobrium.

So, along with Seifert, I say that I don't think the hospital should take the money from someone who is a morally corrupt no matter how useful that money may be.

Chapter Twenty-five

Is It Moral for Me to Take Advantage of a Technicality?

Catherine receives a ticket for parking in a loading zone on a Sunday afternoon. She has parked there several times before and has never seen trucks loading or anyone receive a fine. When she examines her ticket, she discovers that the wrong license plate number has been entered. There would be no way to trace the ticket if she didn't pay it. She mails the ticket back with the payment the next day.

Some questions to ask yourself

1. Should you be held responsible for making a mistake?
2. Can something be wrong if you acted for the right reason?
3. Is there a difference between the spirit of the law and the letter of the law?
4. Is something wrong even if you won't be found out?
5. Did Catherine act ethically?

The Problem: Doing Right Because It's Right vs. Doing Right Because of Fear of Gettting Caught

Catherine found herself in the position of the Gyges in ancient Greece. One day while in the field, the shepherd found a ring that had the magical property of making him invisible whenever he twisted it. As soon as he was aware of this power, Gyges went to the king to provide the monthly report on behalf of all the shepherds. When he reached

the court, he turned the ring, became invisible and immediately seduced the queen, slew the king and took the throne.

Glaucon, who tells this story to Socrates, uses it to illustrate that the only reason people act morally is because they fear punishment. Take away the fear and everyone will only be interested in himself and therefore will be immoral.

"For all men believe in their hearts that injustice is far more profitable to the individual than justice, and he who argues as I have been supposing, will say that they are right," Glaucon concludes.

There are really two issues here. One is the descriptive one and predictive. It claims that people will act morally if they wouldn't be punished. Actually, there has been some research by psychologists that examines this very question. As you can imagine, the picture is mixed. There are people who are, in fact, motivated by the fear of punishment. This is a low-level of moral development and it fits the developmental stage of young children. Moral motivation gets more complicated as people get older, although some people remain at the earlier stage of motivation. There are many, though, whose motive for acting morally has to do with compassion, loyalty and a sense of justice.

The other consideration raised by the Gyges story is this: Assuming that you won't get caught, should you do the right thing anyway? This addresses the question of what you ought to do, which is the real philosophical matter.

The Letter of the Law as it Applies to the Lawmakers

There’s no question about what Catherine should do, right? Amitai Etzioni, a professor at Georgetown University and leading social philosopher, doesn’t think so.

When I asked him about Catherine's problem, he said, "What's the question? If I do something which I do not know is wrong, and nobody told me, and there is no reasonable way of finding out, what is the issue?"

Not so fast. Even seemingly obvious, and trivial, problems aren't always so simple. Catherine's situation is one that on closer scrutiny reveals complex ethical considerations.

You often read in the papers or see on TV how a seemingly guilty person is let off because of a technicality. A thief confesses to his crime but is released because he wasn't read his Miranda rights. Or a murderer isn't convicted, even though the gun with his fingerprints was found, because the police obtained the weapon without a proper search warrant.

This makes sense from one point of view. There is a good reason why the accused — even those whose guilt isn't in question — are let off on technicalities, even for serious crimes. If this weren't so, the government could easily run roughshod over the rights of the individual. The theory is that unless authorities meticulously follow the law no one is safe from abuses of power. The criminal justice system is required to follow the law itself and when it doesn't, having its case thrown out against the accused, in effect, punishes it. Without such close attention to proper procedures, the police could easily become thugs, the government a dictatorship. So while someone may have committed an offense, unless the police carry out their duties scrupulously as required by law the person is not legally guilty.

The Letter of the Law as it Applies to an Individual

Catherine's offense isn't as serious as that of a criminal's. It was a petty civil violation. In addition, she isn't trying to get away with anything. Just the opposite. She didn't mean to violate the no-parking regulation. She really thought that the sign didn't apply to Sundays and that she could park her car there. Once I parked at a meter at 8 AM and didn't put in my quarter. When I went to get my car a half-hour later, I had a ticket. I went to traffic court and pled innocent. I explained to the judge that I knew of nowhere else on Long Island where meters required money before 9 AM. The judged said I should have read the sign. I argued that no reasonable person would have bothered to read the sign since no reason to think that one street in one village would be an exception to the rule. The judge appeared to enjoy my jailhouse-lawyer defense, then dismissed my case.

Catherine, like me, broke the law. However, she wouldn't even have to argue her case by pointing to extenuating circumstances. Technically, the law was on her side because her parking ticket was written incorrectly. When New York City issued its first jaywalking summons in 1998 to a woman who breached a barrier at a crosswalk, she didn't have to pay the fine because the officer cited the wrong statute on her ticket. Furthermore, in Catherine's case, no one need even know that she even received a ticket. She could throw it away and the police would never be the wiser.

But Catherine isn't concerned about the legal niceties; she did what she thought was the right thing from an ethical point of view. She broke the law, she was caught and she should pay the penalty even though she could get away with it.

Perhaps she was foolish, for no one would know that she had been given a ticket. She couldn't be traced. Besides, fines aren't meant as revenue enhancement but a method

used by government to exact pain on the guilty so they will think twice about committing the offense again.

Hasn't Catherine learned her lesson even if she doesn't pay the fine? Perhaps so. The next time she receives a fine it isn't likely that the ticket will be written incorrectly, as it was this time. Therefore, whether she pays the fine or not makes no difference regarding her future behavior. Either she cares about getting caught or it makes no difference to her. If she believes that the law is wrong to begin with or she is so wealthy that paying a fine of whatever amount makes no material difference, then she might choose to park there whenever it is convenient. But if she accepts the necessity for such parking regulations and paying for fines bothers her, then she will choose to obey the sign the next time.

So if it doesn't make a difference whether or not she pays the fine this time, perhaps she is being overly scrupulous. Catherine's reason seems to be simple and straightforward: she knowingly broke the law and deserves the punishment. That she can get away with it is beside the point. She took a chance and lost. She knew that was a possibility when she parked there.

Moral Reasons To Get Away With It

I can see only two moral considerations for Catherine not paying the fine: 1. she is destitute or; 2. the law is unfair. Catherine would not starve if she paid the fine, so the first reason doesn't apply. The second might, however. The sign reasonably applies to workdays, not Sundays. The sign serves to regulate parking for no good reason. The regulation makes little or no sense when Catherine parked there. A person could fairly believe that the sign was not meant to apply to parking on Sundays.

She still might have grounds on which not to pay if she were to challenge the regulation as being unreasonable. She might refuse to pay the fine, rather than ignore it, by making public her opposition to the regulation. This would mean informing the parking bureau that she received a parking ticket but refuses to pay it. When the department the attempts to collect the fine, she refuses to pay. Catherine might lose her driver's license, have her salary garnished and otherwise receive rough treatment. Whether she would succeed against the crunching bureaucracy is doubtful. But this does seem to be the only legitimate route to follow, however futile, for someone who wishes to challenge a law perceived as unfair within a democratic society.

The assumption here is that despite its obvious limitations and unfulfilled promises the government ultimately reflects the will of the populace. If laws and regulations were truly capricious and subject to the whims of the powerful, then no one has a moral obligation to follow them. But if the process allows for change through peaceful means, then either you obey the law, try to change it or openly challenge it, accepting the likely punishment.

Socrates made this argument in explaining why he rejected the opportunity to escape after receiving the death penalty. Of course, Catherine isn't charged with subversive teaching and she isn't going to be executed. But the logic of the argument is the same. What distinguishes it is the pettiness of the offense.

Rationalizing and Justifying

Catherine refused to resort to either of the two most common reasons — rationalizations, really — why she shouldn't pay the fine because: 1. I can get away with it

and, 2. everybody is doing it. The first reason admits wrongdoing but assumes guilty only if caught while the second excuses the guilt by making it unexceptional. Neither reason is a justification, only an explanation. And an explanation by itself is not an excuse.

Having said this, I believed that because she didn't think she was doing anything wrong in the first instance. A reasonable person could have assumed that that sign didn't reflect the reality of the situation and therefore Catherine had no moral obligation to pay the fine. There are ancient laws of the books that make it a crime to do the silliest thing. If a policeman gave you a ticket because you broke one of the laws that you didn't know about and no one cared about and was otherwise never enforced, you wouldn't be morally obligated to pay the fine.

While ignorance may be no excuse as far as the law is concerned, it is a factor that militates against moral obligations. Generally speaking, you are immoral when you act out of bad will or contrary to a generally accepted standard of just or compassionate behavior. None of this applies to Catherine, so she wouldn't have been immoral to have torn up the ticket and tossed it into the nearest garbage can.

A Moral Reason To Pay the Fine

Nevertheless, Catherine wasn't wrong in paying the fine. The cop who filled out the ticket should have been as conscientious about his job as Catherine is about doing the right thing. But in paying the fine Catherine was living consistently with an internalized sense of right and wrong. As a matter of conscience, she had to pay the fine. For her it was a matter of integrity, not fear that led her to pay it.

Although Catherine could have gotten away with not paying the fine, she couldn't have gotten away from herself. Her moral sense and her sense of herself are bound together. This is a desirable quality provided that she does not become weighed down by petty offenses and that she can distinguish between the truly significant moral issues of life and minor ones.

Earnest consistency, one that sees in every cranny moral threats, can also be dulling, making one into a moral cop, a bore who others want to avoid. At the same time, to care about ethical behavior, even if others think you odd, is also a sign of maturity.

Chapter Twenty-six

What Should I Do With Money I Find?

Irma makes a telephone call from a pay phone booth. When she hangs up, a rush of quarters spews out. She put the money in her purse and walks away, never returning the money to the telephone company.

Some questions to ask yourself

1. Does it matter who lost the money?
2. Does it matter how much is found?
3. Does it matter how needy you are?
4. Does it matter whether or not you are likely to be found out?
5. Does it matter what you intend to do with the money?
6. Did Irma do the right thing?

The Problem: Earning Something vs. A Stroke of Good Luck

Money and morality are often an uncomfortable fit, especially if the money falls into your lap, so to speak. Who doesn't want more money? As a child I heard that possession is nine-tenths of the law. So even the law seems to side with the finder and tough luck for the loser.

Not long ago a New York cabdriver found ten thousand dollars in the backseat of his cab and returned it to its rightful owner. A group of parochial school children happened to be visiting City Hall the day Mayor Giuliani was honoring this upright citizen. Hoping to use the occasion as a lesson in moral rectitude, the mayor asked the students what they would do if they found such a sum of money. He was sure the students would answer in the morally acceptable way. There was no choice, right? The students didn't think so either. For them it was a no-brainer.

They answered quickly and in unison, “Keep it!”

I get much the same response whenever I've related the anecdote about Irma. Hardly a single individual has said that he would return the money. One reason is practical: "What should I do, put the quarters back in the telephone?" Or, "Do you expect me to send a check to the phone company?" Some have something along the line of "Even if I sent it, they wouldn't know what to do with it, they're so fouled up."

The story does raise another kind of moral question, though and it's revealed by those who don't give practical reasons for keeping the money but something quite different. They say one of two things, either "It's pay back time. I'm ripped off all the time. It's only a matter of getting even," or "It's a giant corporation. They'll never miss it."

The Difference Between What People Will Do vs. What People Ought to Do

Irma’s story is a nice illustration of the difference between descriptive ethics — what people actually do — and prescriptive ethics — what someone ought to do. This is the difference between, say, knowing that nearly everyone lies at one time or another and saying that lying is wrong. Descriptive ethics is a sociological or psychological

proposition. It focuses upon what people really do in a and it may ask why there may be a gap between what they say they should do and what they actually do.

Prescriptive ethics looks at morality from the point of view of establishing what someone ought to do. It leaves aside motivational considerations and concerns itself exclusively with what is ethically correct.

The difference between descriptive and prescriptive ethics can be explained by way of analogy. You go to the doctor because you're not feeling well. Your doctor examines you. She looks down your throat, takes some x-rays and asks for a family history. When she's done she tells you what's wrong with you, "Well, you've got monoglucososyitus."

"Gee, doc," you say, "I guess that's not so good."

"You'll be OK," she says. "Here, have the druggist fill this. Take two pills four times a day and you'll be fine."

That's your prescription he gives you. It's a type of advice. You are free to either accept this advice or reject it. The doctor can't force you to fill the prescription or to follow the regimen that she laid out for you. But let's say you've decided to have the prescription filled. You now go home and take your pills, three times and day after meals. If you are like many patients, when you start to feel better you stop taking your medication.

It's sometimes like this in morals: you analyze the situation, know what you should do and then, like many people in a similar situation, don't do it or don't do it thoroughly.

I wondered what business owner would think of Irma's actions. I asked Laura Bernstein, who is a third-generation owner of medium-sized children's sleepwear manufacture company.

"Much as I'd like to think otherwise, and certainly not something I care to admit in print, I'm forced to confront the fact: I would keep the change," she says.

It seems like winning on a slot machine. It's like one of those freaks of nature, a chance occurrence. It's sort of divine retribution, a low-level revenge against the impersonal machinery of modern, bureaucratic society.

Bernstein says, "Taking the telephone change would be so instinctive a response that you do so virtually unaware of our behavior. Wouldn't you take the money? I ask that not to justify my action but to point out that the issue, I believe, is that so few of actually see Irma — or ourselves — as doing anything wrong."

Clearly, the money isn't Irma's. She didn't earn it, no one offered a game of chance at which she won. It isn't even like finding money on the street. Here Irma knows the source of the money. It came from the pay phone. She knows who owns the phone: the label on it tells her it belongs to Bell Atlantic. Irma's getting the money is like finding a wallet with the owner's name in it.

Is it right to keep something which isn't yours, is someone else's and you know who that someone is? The honorable person returns something seen fallen out of an individual's pocket. It is only a small step from theft to picking it up yourself without making an attempt to return it. Similarly it is right that an attempt be made to locate the owner of a lost object.

Three Reasons For Keeping the Money

Then what justification, if any, is there in keeping the coins from the phone? Three serious reasons can be given: 1. the impracticality of returning a small sum; 2. phone company profits are too high and this is an opportunity to even the score (A variation of #2 is that the company has cheated you in the past, so this helps balance the account.); 3. moral responsibilities are owed to individuals, not corporations.

Being Practical

The first reason isn't a moral one but a practical one. Is it or isn't impractical to return money to the phone company? In a clever test of this thinking, Laura's friend Anastasia tried an experiment. She called the phone company and pretended to be Irma. The operator at the Bell Atlantic billing office was quite baffled by the question and put Anastasia on hold for several minutes. "You have no department to deal with this," she declared. "You should just keep the money."

But the operator wasn't speaking for the company, only herself. Irma could mail them the money. Will it make any difference to a multi-billion dollar corporation if they get a few dollars from Irma? No. But judging the rightness of behavior cannot rest upon whether our efforts make a difference, although if our efforts count for very little then the severity of the judgment may vary. (It is a generally accepted idea amongst ethical philosophers that principles exist only if it is possible for the action to actually be fulfilled. An *ought* entails an *able*. So if I can do much and don't, the moral judgment is more severe than if I can do very little and don't.)

In this anecdote the amount is so small that it makes very little difference to the company's balance sheet; it is also so little that it makes virtually no difference in Irma's

life now that she has it. But it isn't the amount of money that matters or whether the phone company will miss the money. The moral point hinges on something else, which I will explain in a moment.

Getting Even

The second argument made in keeping the money is the one of retribution, balancing the scales. I was cheated in the past, so the bonanza is really deserved. Keeping the windfall is getting even. Many people I know have contempt for large corporations, even though they may have never suffered directly from them. I understand this. By their very nature, they are easy to detest — their scale, impersonality and wealth beyond comprehension. A company that makes billions in profits while firing workers to reduce the work force leaves something ethically to be desired.

A society in which a few gain incredible wealth because of corporate investments and profits while others are shoved onto unemployment lines or reduced living standards is also is less than morally exemplary. Some who take this anecdote as political retribution continue their argument something like this: Since there is no way to overturn the monstrosity, keeping the money is justifiable. It is a credit on the side of the ledger for the little guy. If you believe that it is right to return something to someone who has lost it, such as money fallen out of a pocket, you do so only if you believe that the person who lost it had a right to it in the first place. You wouldn't return stolen goods to a thief. So it's OK to keep the money because the phone company has stolen from customers in the past.

Bernstein responds this way; “What’s had tremendous impact to shape my thinking about an ethical dilemma like this one is that I have been working in a business setting for many years, and especially because I own part of a small business — you

manufacture children's clothes. Perhaps, I see things differently now because if my family and I owned the malfunctioning phone, it would be our money that was being stolen. So big business isn't somebody else, it's me."

The argument for taking money from big business is one of resentment, not reason. Few people I've met who make such an argument have really thought through what an alternative to corporate capitalism might be like, in particular as it relates to a utility such as the phone company. Or if they have, they haven't done much to bring about the politically altered state. If the phone company is a thief, then its chairman ought to be in jail. But to keep the money as though this were the crusade of a modern Robin Hood is romantic hoodwinking, a play-acting that is a poor justification for keeping something that isn't one's own.

To keep the money on these grounds is a misguided political consciousness, thinking that keeping the coins will bring down the phone company. Maybe the phone company ought to be made a public corporation, maybe executives ought not to be allowed to make huge amounts of money. These are serious policy issues that need discussing and need to be confronted in a serious manner. But keeping the money isn't real political action. It is a rationalization for keeping something that doesn't belong to you. It may well be that by believing that keeping the money is somehow helping to change society for the better may actually do the opposite. By keeping the money, the person may have thought they have discharged their need to take real action. Losing a few dollars in loose change doesn't harm the phone company. Therefore, Irma's keeping the money has no practical consequence in political terms. The only practical thing about her behavior is that she has a few more dollars in her own pocket.

Banks are equally a piece of corporate society. Yet many people, if given the wrong amount of money by a teller at a bank, will return the over payment. Why? Because they know that at the end of the day the person behind the counter is accountable for the missing money. She can be fired for incompetence. Because the possible consequences are known, namely the firing of a particular individual with whom one has had personal contact, the morally sensitive person doesn't hesitate in returning the money to the bank. But, say the extra money were given at the ATM where the error is electronic not personal, then the question resembles this vignette. No person will suffer from this mistake, you think. Therefore it is mere foolishness to be so honest as to return the money if unasked.

You make many ethical decisions based upon the ability to see and understand the outcome of our actions. Hurting people is wrong, so you try to avoid doing that. Bernstein makes much the same point when she asks, “Don’t teenagers find it easier to shoplift at Kmart than the local candy store where their schoolmate’s mom in working part-time? The problem is that you suffer from the lack of community and connection in our lives that makes so much of what you experience *anonymous*. In a urban high-rise apartment, where you know so little of our neighbors, who can tell whether the wallet you find in the elevator belongs to the elderly antique dealer across the hall or someone you’ll never know?”

Obligations Apply to People, Not Institutions

The third argument is that ethics is a matter between people. Since the phone company isn't a person, you don't have moral obligations in relation to it. The phone company isn't an individual, despite the legal fiction created by the courts. Therefore, you

can't see the harm that comes from keeping the money. Bernsteincontinues with these examples: “If a dry cleaner forgets to bill me for my cardigan sweater set with the extra pearl buttons, if the florist sends over a bouquet and bills me for plain carnations instead of the yellow sweetheart roses I actually received, do I correct them? Is it my moral obligation to do so? What about the waiter who forgets the chocolate cake you’ve ordered when he tallies the check? But if that waiter were a college friend or a distant cousin, would you point out the mistake in the check? Maybe it’s easier to cheat in business: you can hide behind our suits and ties and desk accessories. Business is a game after all: You assemble a team on the field, strategize for touchdown tactics, talk of winners and losers. It’s a battle to beat out our competition to the playoffs. And if there a few shady moves on the way to picking up the trophy, isn’t that all part of the game? ‘My Nice Guy’ doesn’t get to the Super Bowl.”

The Reason to Return the Money: Little Things Lead to Big Ones

In sports there is an expression, 'No harm, no foul.' The same could apply here. The amount was so small, the circumstances so unusual and the source such a deep pocket that in essence no one was hurt. Without an injured party, there is no moral transgression.

The harm, it seems to me, comes the blot left upon ourselves by feeling entitled to keeping something, which doesn't belong to us. It is a form of dishonesty. The question is to what extent this makes it easier for us to justify similar but more significant matters in the future. Is it the beginning of the slippery slope leading to frequent rationalizations, is it the beginning of self-deception?

There is only one reason I can see to keep the money — it adds a little spice to life. Perhaps it is excessively scrupulous to return the money, and you shouldn't make too much of keeping it. At the same time, it is important to ensure that it doesn't become part of larger pattern of dishonesty. Keeping the money can be fun. It is such a small sum (not like the ten thousand dollars the cabby found). Irma's pocketing the money is mischief that does little harm, like a minor practical joke. It will hardly be noticed by anyone. A small blot is, after all, a little color on what might otherwise be a monochromatic righteousness. The moralistic are often insufferable bores.

Nevertheless, naughtiness has a way of becoming nastiness and mischief turns into malice. So while it may not be like putting a drop of poison into a well, it could turn into what philosophers refer to as a slippery slope or the camel's nose under the tent. You think you can control ourselves but find that you go faster and faster downhill until you are in the pit of immorality. Or that you've let the camel stick its nose where it doesn't belong and the next thing you know, the smelly creature is standing in our living room. wedge

It may be that if you do something small you begin to rationalize and lose track of what it is to be honest, until you can no longer be honest if you tried.

Chapter Twenty-seven

Does It Matter What I Buy?

The Wallace's live on a tight budget. They are very careful how they spend their money, often foregoing luxuries so they can save for their future. After years of coaxing, their old car is finally ready to give out. Mr. Wallace can't do any more to save it.

They check consumer magazines and find that foreign cars are more reliable and better built than American cars. In the long-run they are cheaper to own than domestic cars. They are also more efficient and therefore less polluting. However, they want to support American workers and believe that people should be willing to make sacrifices to support their fellow citizens. They decide to buy a Chevrolet.

Some questions to ask yourself

1. Are your purchases made solely on the basis of whether you want or need the item?

2. Is it important to know who made what you buy and under what circumstances they were made?

3. Should you balance concerns for the welfare of others with your desire to get the best buy for your money?

4. Should ethical considerations play a role in purchasing an item?

5. Did the Wallaces make the right moral choice?

The Problem: Considering Myself vs. Considering Others I May Not Even Know

The Wallace family is fictitious, but I know people like them. They are concerned about the impact their spending will have on others and the environment. Most of my students, though, think this anecdote is pure fantasy. It's ludicrous, they say. No one ever makes such a decision. For my students, the Wallaces' decision is completely alien. The only interest for the Wallaces, they say, is getting the best deal for their money. It isn't so much that they disagree with the Wallaces' decision as not recognizing that there are choices at all. They see it like being offered a week at the Hilton on the beach in Hawaii or an overnight stay in a flea bag hotel in a run-down neighborhood in a boring city.

As long as our purchases are legal, you have met the moral standard, many people say. This is what consumer-capitalism is all about. This understanding may meet the standards of economists, it is a different standard that is used by those concerned with ethics.

Preferences, Prudence and Ethics: Do I Like It? Can I Afford It? Is It Right?

Let's take a closer look at the ethics of buying. In addition to whether you want something is the matter of whether you can afford it. If I don't buy my child her needed school supplies because I've spent everything on CDs, this certainly would have to be morally dubious. What I buy has to be looked at in relation to other things I need to buy. So the first step for the Wallaces is to look at their fixed and anticipated expenses, decide what is discretionary spending and what is a necessity, then make a list of priorities about

how to spend their discretionary money. Perhaps taking a long-needed vacation is more important than getting a new car, in which case they will make due a little longer with the old car. Or maybe the new car is the thing they want most, can afford and go shopping.

Mostly I buy something because I think I need it one way or another. When I spend a lot of money, I pause, trying to distinguish between actually needing something and simply wanting it. Will I have to give up something else if I buy it? After assuring myself that I am truly going to purchase it, I then want to know if I am getting the best buy for my money. I will do comparison-shopping, ask some friends if they are pleased with their cars, read a few auto magazines and consult *Consumer Reports*.

Up until this point my interests are preferential and prudential and to a smaller extent moral. However, beyond "Do I like it?" and "Can I afford it?" loom largely ethical considerations. These are real, even if hidden, because you live in a world with other people and our actions affect them. Other people have an interest in what I do with my money to the extent their lives are impacted by the decisions you make. So even if I were super-wealthy and took no more notice of spending $50,000 than 50¢, it is still an ethically questionable purchase.

One example is pretty straightforward. You all breathe the same air. Fuel inefficient cars pollute the air. It is wrong to poison someone else. Therefore, keeping the air clean is a moral issue. As a society, you have recognized that you can't rely solely on individuals to buy fuel-efficient cars, so you've have laws that force car manufacturers to sell cars that get higher miles per gallon, while simultaneously outlawing the sale of leaded gas.

How the Desire for Profits Can Benefit Many

In today's world, market values often dominate ethical values. When was the last time you saw a political talk show that had an ethicist and an economist discussing policy issues? The popularity of the accounting term 'the bottom line' in everyday conversation shows just how far-reaching a business mentality has become. Adam Smith's philosophy, in its popular and misunderstood form where greed is good, has the upper hand, even amongst those who are not business people. Producers' and consumers' philosophies are alike: as long as wealth is not obtained through fraud or force, it is morally acceptable. The ethical businessman does not lie, cheat, coerce or break the law. That's all that is morally required. Anything more is naive, unrealistic and hopeless idealistic, it is often said.

Smith's views have been taken to mean that self-interest is in itself moral since the cumulative effect of increased production benefits everyone in the long run. Smith didn't claim that selfishness was good (nor that benevolence is bad) but that acting on self-interest led to something good. He approved of acting on self-interest not because he favored individualism or consumerism. He favored capitalism because he believed that wanting to make a profit is a better way to helping people get what they want than by giving them what you think they need.

For Smith, self-interest and the common good were not at odds since one led to the other. He encouraged the pursuit of self-interest because it created a greater common good. But things don't always work out for the best. The manufacture and sale of child pornography and handguns to children are two examples. I'm not talking about laws but morality here.

How the Desire to Consume May Harm Others

Now let's look at consumption rather than production. What is the larger good to which self-interested buying relates? Producers can at least say that they make no judgments about what they produce. Let the consumer decide if their product is worthy. If no one wants their goods, they will go bankrupt. If, on the other hand, people buy what they have to sell, they are enhancing the freedom of choice.

What good, other than individual satisfaction, is enhanced by consumption guided only by prudence? That answer depends upon what is purchased, under what conditions and from whom. For example, there is a delicatessen in my neighborhood, which, along with cold cuts and soda, sells several newspapers. A number of years ago a customer noticed that the German language newspaper was one noted for its anti-Semitism. When the owner refused to remove the offending paper, the customer decided to find another store to buy his lunches. Although it was more costly in terms of time and money to go to another deli for similar sandwiches and chips, the patron had put his money where his mouth is, so to speak. He didn't want his money supporting a cause that he despised, even though it cost him extra time.

Choosing to Not Aid the Immoral

When the issue is local and involves small sums of money or when it is easy to find an alternative, the dilemma may be easy. But it is more difficult if the cost to us is high. Then you balance the price against how important the issue is to us. If eating roast beef sandwiches and potato salad isn't important, it is easy to give it up. If another

delicatessen is nearby, it is easy to boycott the store I don't like. But if you loved deli sandwiches and they couldn't be gotten elsewhere, then it is harder. Still, if anti-Semitism were abhorrent, then the committed person would be willing to forego all the pleasures and suffer the pain.

Each purchase you make involves the same considerations, at some level, as the deli boycott. Every time you spend money someone benefits from it. Do you want to support this person? Does my money go to something I find repugnant? Socially conscious spending takes into account the policies of those who sell to us. Everything being equal, it is better to reward decent people by supporting them through our purchases than it is to buy the same thing from a bunch of gangsters. Just as it is wrong to buy a stolen jacket at discount price, it is wrong to put our money into the hands of those who use it in ways you consider unethical.

When the Wallaces decide to buy an American car instead of the better value foreign-make, they determine that they are willing to personally subsidize American workers. They believe, I guess, that American workers will lose their jobs unless they — and other Americans — are willing to buy the cars made in the USA, even when it means making a sacrifice.

I asked philosopher David Sprintzen what he thought of the hypothetical Wallaces' decision. Sprintzen teaches at C.W. Post College and is also the founder of the Long Island Progressive Coalition. "The Wallaces deserve respect for their sensitivity and willingness to make a personal sacrifice on their behalf." Both Sprinzten and I admire the Wallaces' desire to look at how their purchases affect others. It is a morally worthy view that reveals a philosophy that recognizes that real satisfaction resides elsewhere than in

selfishness and self-centeredness. Their sentiments are noble because of their willingness to make sacrifices to help others.

The Importance of Loyalty

But is it ethical to support Americans rather than those from elsewhere? “All people have an equal right to decent conditions of life, both economic, political, and social,” Sprintzen says. “They have an equal right to a decent job at a family-supporting wage. But it doesn't follow that each of us has an equal obligation to contribute equally to everyone's well being. You must not directly harm another, nor knowingly contribute to their degradation. But you are not, and cannot be held, responsible for all of the indirect consequences of our actions — for they are ultimately infinite and unknowable. Nor are you completely responsible for the institutions that determine the relation between our actions and their worldwide consequences. Our moral responsibility to others must be proportional both to our institutional connection with them and to the levers of influence that are available to us,” Sprintzen continues. “Our responsibility is far greater toward those who are directly bound up with us in organized communities, second only to our responsibility to and for those with whom you have direct face-to-face personal relations. Loyalty is a product of such personal interactions. A coherent community life is vital to personal integrity and moral action. It is precisely this dynamic that provides the moral and political justification for the Wallaces' concern for the jobs of ‘American’ workers. You are bound up with our fellow Americans in an effective political community for the success of which you bear a level of moral responsibility commensurate with our ability to

maintain or transform the relevant institutions of production and distribution. It follows that 'American' workers have a legitimate and strong claim on our concern and action."

Loyalty In Conflict With Principles

Socrates addresses a similar question in "Euthyphro." Here a son is in court to argue against his father for causing the death of a slave. The ancient philosopher doesn't answer the question directly but implies that being loyal to one's parent is more important than adhering to an ideal, such as applying justice blindly, simply because custom or the gods or the law tells us that is how it should be. Contemporary philosopher Henry Louis Gates, Jr. makes a similar case when he urges people to consider loyalty over principle.

I agree with Gates, to a point. I suppose it is the same point that was reached by Harmon Kaczynski when, after much agonizing, he decided to turn in his brother Ted to the FBI as the Unabomber suspect. Preventing the future deaths of strangers was more important than keeping his brother out of prison. You build our sense of ethics from the inside out, as it were. You begin with particular — people who you know, who know us, who have taken care of us, those closest to is — and move to the general, namely, neighbors and onto still larger circles. Loyalty to the local doesn't trump everything, though. It functions much like confidentiality. There is a presumption in favor of it but sometimes other matters are more important.

Finding the Facts and Making an Educated Guess

The Wallaces' impulse to help their fellow citizens also needs to consider the facts. The road to hell, after all, is paved with good intentions. Sprintzen thinks that their

decision fails at this point. “The Wallaces might feel righteous in sacrificing on behalf of their fellow citizens,” he says, “but I am highly dubious about the political significance, and hence the real moral value, of the politics of ‘bearing witness’ or of ‘moral purity.’ A moral action that is unlikely to have the intended moral consequences is not only ineffective, it may be even worse. It may give the illusion of effectiveness, and a feeling of self-righteous satisfaction, while avoiding, or even worse, detracting from those efforts that offer a real chance of making a significant difference in the lives of those effected.”

I disagree. Bearing witness may or may be an effective tool for social change. Others who know the Wallaces may pause and think about their own behavior. Also by its example it may also inspire others to decide to take action in their own lives, even leading some to join social cause organizations. Sometimes it is the act of one person that precipitates a social movement. And, finally, it’s just as likely that the Wallaces’ decision will direct them to take further action as it is that it will deflect them from doing something more effective. The slippery slope argument can be used here, but rather than leading down the road to perdition, it leads to more critical moral thinking and more effective change.

Aside from these speculative considerations, there is a little more research the Wallaces should do. If buying the best car isn’t the prime consideration, then they should also consider another set of questions: Which corporation really helps its labor force, which is most concerned about the environment, which is community-minded, what kinds of other products does the company make? There is also the complicated question regarding which car is really an American car. Is it one made in America, even though the corporation may be foreign? What about the reverse, when the car is made by an

American corporation but in a foreign country? The answers to these and similar questions can be found in any local library.

The Wallaces also need to balance two competing ethical claims: that of loyalty against that of consideration for the environment. If buying an American car means keeping someone employed at the expense of someone else's health, how do you decide?

The fundamental point in the Wallaces' story is that our money serves larger causes and the way in which you spend our money reveals our commitments and values. I agree with the Buddhist philosopher Thich Nhat Hanh who implores us to a careful awareness of what we consume. The ethical perspective examines the use of money in the light of the best way of promoting our basic values. Loyalty must be a basic value. It is the fundamental commitment that follows from caring about people.

Chapter Twenty-eight

How Responsible Should I Be?

One Thursday afternoon, at about 2:30, Raymond parks his car next to a county truck. As he leaves his car, he notes that two county uniformed workers are asleep in the cab. When Raymond returns more than an hour and a half later the truck is parked in the same place and the two employees are still asleep. He decides to report the incident to the county department.

Some questions to ask yourself

1. What obligations do you have to the community?

2. Do you have a right to make sure that your tax dollars are used properly?

3. Do you have a responsibility to do something when you think public money is being misspent?

4. How do you distinguish between acting responsibly and being a meddler?

5. Did Raymond do the right thing by reporting what he saw?

The Problem: Civic Duty vs. Being a Busybody

This is a story our obligations in the public realm. Often there isn't much of a question about what you owe the government, although you may play around the edges. You pay our taxes — more or less on time. You report to jury duty when summoned — if

you can't find a good excuse. You follow the law — except those that are simply so petty that you can ignore them or get away with breaking them. But this situation is different because Raymond's actions aren't about following rules as they apply to himself, but rather it is about what to do when others may not be fulfilling their obligations.

If Raymond decides to report the sleeping employees, he could also be accused of being a busybody. It's easy to abide by the cliché, Let sleeping dogs lie, so to speak. But, here again, there is more than meets the eye. So one way to start thinking about the problem is to change the conditions just a little. Say Raymond owned his own business and saw two of his employees napping in the middle of the afternoon. He'd be a damn fool and a poor businessman if he ignored it. Maybe he'd talk to them privately, maybe he would put them on notice or maybe he would even fire them. If he didn't do anything about lazy employees who worked for him, you would say that he is a bad manager and worse owner.

Everyone is the Public

Public business isn't the same as private business, though. If I own something, then I am responsible for it. Everyone owns the government in a democratic society, at least in theory, so everyone is responsible in theory. Social psychologists know that it just doesn't work this way. Most of the time when everyone is responsible, no one acts responsibly. That's why generally private homes are taken care of better than public housing and employees who have a stake in their work through some sort of ownership tend to be better motivated than people who simply work for a fixed salary.

This may be an accurate description of people's behavior, but a description doesn't tell us what you *ought* to do.

The reason Raymond should do something about workers who don't do what they are supposed to is, in one sense, a matter of fairness. Start from the premise that working conditions should be fair. This means, at the least, that people receive a decent wage for a job fairly done. Then assume that a person is, in fact, receiving a good salary and getting fair compensation for his labor. The other half of the work-fairness equation then is that a person who isn't working when he is supposed to is to take something that he isn't entitled to — namely, money without having earned it. Under such conditions, one ethical consideration is whether others have to work harder to make up for the work not done by the slackards. Another ethical issue is the breaking of an agreement by employees whose condition for employment is an understanding regarding the amount of work expected from them. Employees, in their words, have responsibilities to both their coworkers and their employer.

Occasionally I have reported rude or incompetent employees to their boss. As a customer I expect respectful and prompt service. Owners have a right to know why I, as a consumer, am upset. This gives them the chance to make changes if they so choose. With my complaint I am trying to persuade the business to alter something I don't like. As a customer, I have a right to complain, although I may choose not to exercise it. I may think the situation is hopeless; I may feel uncomfortable with confrontation. But there is nothing wrong with complaining — provided there is some objective basis to the complaint.

I complain about those things that affect me. Something is done to me that I don't like or I don't get something that I think I deserve. I also take action when I think that

social conditions are unjust, when I believe people are oppressed or threatened. So when I see the United Parcel Service truck parked near the tennis courts in the afternoon, I don't dial my local UPS office to tell them what I saw. To take such action would make me a busybody. On the other hand, if I sat around all day waiting for a delivery and saw the truck without a driver for hours on end I wouldn't hesitate to lodge my complaint. Here the driver's indifference affects my life. I don't want to be captive in my house because the driver is cooping.

Raymond's reaction is based upon a sense of civic duty. Reporting public employee's who aren't doing their job is like turning off a running fire hydrant: both are wasting taxpayers __ and his __ money. He has a civic duty to ensure that to the best of his ability the government runs efficiently.

Assuming Too Much

Raymond doesn't stand in the same relation to these workers as an employer does to an employee nor as a customer to an owner. As an owner he could penalize poor work; as a customer he take his business elsewhere. Furthermore, he isn't directly hurt by their laziness. It isn't even certain what it is that they *should* be doing.

And it is here that Raymond has gone wrong. Raymond takes action without first checking the facts. He assumes that the two in the truck cab are shirkers, but he is not certain. Perhaps they were done with the day's work and decided they would rather doze on the seat than go home to sleep. Or maybe they were early for their next job and needed to wait somewhere. Other possibilities, however unlikely, come to mind. The point is that

Raymond really doesn't know what is going on. He has an interpretation of what he sees but he makes no effort to check out this interpretation with a, more informed source.

In addition, he doesn't know what the consequences are of his making the report. The possibilities range from the supervisors having a good laugh ("Imagine someone thinking that public employees should put in an honest day's work!") to the slackers being fired. Raymond's objective was to get them to do the work for which they are getting paid. But is he willing to risk them getting fired because of his indignation? Is their offense so grave that they ought to be deprived of their jobs?

A large problem with public ownership is that few people take responsibility for it. Often what belongs to everyone belongs to no one. Raymond is an exception to the rule of indifference. He has a proprietary sense about government and its workers. He responds as though he employed them, which in a sense he does. But in his desire to act as a responsible citizen he ignores the human relations dimension.

The best thing would be for him to go to the truck, talk to the workers and ask if everything was all right.

"I've noticed that you have been here for a few hours. I just want to make sure you're O.K.," he could say to them.

Then if they told him to mind his own business, he might pursue it further. Either he could continue to talk to them (if he had the nerve) or report their rudeness, at least, to their supervisor.

But without first talking to them, giving them a chance to explain themselves or putting them on warning, Raymond is putting them at an unfair disadvantage. It seems to me that the only reason he doesn’t to talk to them is because he doesn’t have the courage

to. With this small example you can see why the Greeks considered courage a necessary virtue, for without it the right thing often gets left undone.

Obligations May Differ According to Gender and Place

This all seems pretty clear to me. But when I've presented the situation to a class of mine at the university, some of the students pointed to something I hadn't considered. What if, they asked, it wasn't a Raymond who saw the sleeping workers but Raymonda? Wouldn't you judge the situation differently? It is true that a woman may feel that she is taking putting herself at risk by confronting two strange men. People aren't required to put themselves in harm's way for trivial reasons. It's a matter of proportionality. This is another variation of the more familiar, "The punishment should fit the crime." Furthermore, in this instance, it seems that the problem can be handled in another way. So for Raymonda the moral thing may also be the prudent one.

Another assumption of mine was pointed out by Confucian scholar Whalen Lai, who is the director of Religious Studies at the University of California-Davis. "In American society, a good reason to report on lazy municipal workers (higher morals aside) is that you pay our taxes and city workers are supposedly to be answerable to us. You do not pay them to be lazy. In imperial China it would have been different. There law was imperial law and came down from above, so the last person you want to antagonize is the *yamen* runner. Whether he does his job or not is something he answers to his superior for. Not to you. Being the contact person between you and the state, you don't want to ruffle his feathers because if he wants to make trouble for you, there be no end to being harassed. The idea of government of the people, for the people, by the people is alien. And

Chinese children were brought up with the fear of the policeman. All citizens, innocent or guilty, feared the policeman. He wasn't your servant; he was an extension of the mandarin and all the way back to the emperor. Even now, politicians point to the relative "peace and quiet" of Chinatown as compared with say the black ghettos. But that is in part due to this thing about the Chinese running their own business (through their network of connections, not without its share of corruption) and on not 'making trouble' (alerting the authorities) that in traditional times usually only meant courting trouble for oneself."

Lai makes an important point and it is similar to the one made by my students. You have to take the entire situation into account — who is doing what under what circumstances; what is the likely outcome and is the benefit worth the risk?

This vignette is a striking example of the need to take into account the context of the situation. In other words, what is right hinges on the circumstances surrounding the incident. It is a good illustration of how ethics is often relative.

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