The Ethics of Right versus Right

by Rushworth M. Kidder


All of us face tough choices.

Sometimes we duck them. Sometimes we address them. Even when we address them, however, we don't always decide to resolve them. Sometimes we simply brood endlessly over possible outcomes or agonize about paths to pursue.

And even if we do try to resolve them, we don't always do so by energetic self-reflection. Sometimes we simply bull our way through to a conclusion by sheer impatience and assertive self-will—as though getting it resolved were more important than getting it right.

This is reading for those who want to address and resolve tough choices through energetic self-reflection. Those are the people, after all, whom we often think of as "good" people. They are good, we say, because they seem to have some conscious sense of vision, some deep core of ethical values, that gives them the courage to stand up to the tough choices. That doesn't mean they face fewer choices than other people do. Quite the opposite: Those who live in close proximity to their basic values are apt to agonize over choices that other people, drifting over the surface of their lives, might never even see as problems. Sound values raise tough choices, and tough choices are never easy.

That was the case with a librarian who, several years ago, was working the reference desk at the public library in her community. The phone rang. The questioner, a male, wanted some information on state laws concerning rape. The librarian asked several questions to clarify the nature of his inquiry. Then, in keeping with long-established library policy designed to keep phone lines from being tied up, she explained that she
would call him back in a few minutes after researching his question. She took down his first name and phone number, and hung up.

She was just getting up to do the research when a man who had been sitting in the reading area within earshot of the reference desk approached her. Flashing a police detective’s badge, he asked for the name and number of the caller. The reason: The conversation he had overheard led him to suspect that the caller was the perpetrator of a rape that had happened the night before in the community.

What should she do? On one hand, she herself was a member of the community. She felt very strongly about the need to maintain law and order. As a woman, she was particularly concerned that a rapist might be at large in the community. And as a citizen, she wanted to do whatever she could to reduce the possibility that he might strike again. After all, what if she refused to tell—and another rape happened the following night?

On the other hand, she felt just as strongly that her professional code as a librarian required her to protect the confidentiality of all callers. She felt that free access to information was vital to the success of democracy, and that if people seeking information were being watched and categorized simply by the kinds of questions they asked, the police state was not far behind. The right of privacy, she felt, must extend to everyone. After all, what if this caller was simply a student writing a paper on rape for a civics class?

The choice she faced was clearly of the right-versus-right sort. It was right to support the community’s quest for law and order. But it was also right to honor confidentiality, as her professional code required. What made the choice so tough for her? The fact that her values were so well defined. Had she been less concerned about the confidentiality of information—which, in its highest form, grows out of a desire to respect and honor everyone in her community—she might not have hesitated to turn over the name to the detective. She might have bowed so entirely to the authority of the officer—or sought so willingly to help him bring the criminal to justice—that she would never have noticed how quickly, in her mind, “the caller” became “the criminal” before he had even been questioned. On the other hand, had she been single-mindedly committed to her profession as a gatekeeper of society’s information, she might never even have considered her obligations to the larger community. She might simply have stood on the principle of confidentiality, and seen no conflict with the urgency of a social need.

Tough choices don’t always involve professional codes or criminal laws. Nor do they always involve big, headline-size issues. They often operate in areas that laws and regulations don’t reach. That was the case for a corporate executive with a nationwide manufacturing firm, who faced such a choice shortly after becoming manager of one of his company’s plants in California. Every year, he learned, the producer of one of Hollywood’s best-known television adventure series shot a segment for one of its shows in the plant’s parking lot. Every year, the upper management at his firm’s corporate headquarters allowed the crew to do the filming free of charge—typically on a Saturday, when the lot was empty. And every year Mr. Gray, the for-
mer plant manager, had given up weekend time with his family in order to be on location and assist the television crew.

So this year the new plant manager did the same. The shoot went as planned. At the end of the day, the producer came up to him, thanked him for his help, and asked how the check for five hundred dollars should be made out. Surprised, the manager replied that it should be made out to the corporation. Surprised in turn, the producer said, “Oh, okay. In the past we’ve always made it out to Mr. Gray. Shouldn’t we just make it out to you?”

Tough choice? In a sense, yes. The corporation, which incurred no expenses and sustained no losses because of the shoot, neither asked for nor expected any payment. The plant manager, on the other hand, had given up an entire weekend day with no additional compensation. Yet the asset that made the shoot possible belonged not to him but to the corporation. Whose money was this? Was this a payment to the corporation or a contribution for his personal services? If the latter, was it a bribe to ensure that the same site would be available next year, or a gesture of appreciation for his helpfulness? Furthermore, if he did turn over the check to the corporation, would that lead to questions about what happened to last year’s money and cause trouble for Gray, who might have reasoned out the issue in a different way and felt comfortable accepting the payment? Or might such an investigation lead to the discovery that this incident was part of a deceptive pattern established by Gray, who might have been regularly using corporate assets to produce personal gain? The manager knew that many people in his position would have pocketed the check with a murmur of appreciation and a live-and-let-live shrug. For him, it was hardly that simple—because of his core values of honesty, integrity, and fairness, and his desire to avoid even the appearance of evil. All in all, he felt that there was some right on both sides—that it was right for him to be compensated, and yet right for the company to receive whatever payments were made.

Tough choices, typically, are those that pit one “right” value against another. That’s true in every walk of life—corporate, professional, personal, civic, international, educational, religious, and the rest. Consider that:

- It is right to protect the endangered spotted owl in the old-growth forests of the American Northwest—and right to provide jobs for loggers.

- It is right to honor a woman’s right to make decisions affecting her body—and right to protect the lives of the unborn.

- It is right to provide our children with the finest public schools available—and right to prevent the constant upward ratcheting of state and local taxes.

- It is right to extend equal social services to everyone regardless of race or ethnic origin—and right to pay special attention to those whose cultural backgrounds may have deprived them of past opportunities.

- It is right to refrain from meddling in the internal affairs of sovereign nations—and right to help protect the undefended in warring regions where they are subject to slaughter.
• It is right to bench the star college quarterback caught drinking the night before the championship game—and right to field the best possible team for tomorrow's game.

• It is right to resist the importation of products made in developing nations to the detriment of the environment—and right to provide jobs, even at low wages, for citizens of those nations.

• It is right to condemn the minister who has an affair with a parishioner—and right to extend mercy to him for the only real mistake he's ever made.

• It is right to find out all you can about your competitors' costs and price structures—and right to obtain information only through proper channels.

• It is right to take the family on a much-needed vacation—and right to save that money for your children's education.

• It is right to speak up in favor of a minority viewpoint in your club—and right to let the majority rule.

• It is right to support the principle of creative and aesthetic freedom for the curator of a photography exhibition at a local museum—and right to uphold the community's desire to avoid displaying pornographic or racially offensive works.

• It is right to "throw the book" at good employees who make dumb decisions that endanger the firm—and right to have enough compassion to mitigate the punishment and give them another chance.

Right versus right, then, is at the heart of our toughest choices. Does that mean that there are no right-versus-wrong choices? Is "wrong" only someone else's definition of what I think is "right"?

No. The world, unfortunately, faces plenty of right-versus-wrong questions. From cheating on taxes to lying under oath, from running red lights to inflating the expense account, from buying under-12 movie tickets for your 14-year-old to overstating the damage done to your car for insurance purposes—the world abounds with instances that, however commonplace, are widely understood to be wrong. But right-versus-wrong choices are very different from right-versus-right ones. The latter reach inward to our most profound and central values, setting one against the other in ways that will never be resolved simply by pretending that one is "wrong." Right-versus-wrong choices, by contrast, offer no such depth. The closer you get to them, the more they begin to smell. Two shorthand terms capture the differences: If we call right-versus-right choices "ethical dilemmas," we can reserve the phrase "moral temptations" for the right-versus-wrong ones.

When good people encounter tough choices, it is rarely because they're facing a moral temptation. Only those living in a moral vacuum will be able to say, "On the one hand is the good, the right, the true, and noble. On the other hand is the awful, the wicked, the false, and the base. And here I stand, equally attracted to each." If you've already defined one side as a flat-out, unmitigated "wrong," you don't usually consider it seriously. Faced with the alternatives of argu-
ing it out with your boss or gunning him down in the parking lot, you don’t see the latter as an option. To be sure, we may be tempted to do wrong—but only because the wrong appears, if only in some small way and perhaps momentarily, to be right. For most people, some sober reflection is all that’s required to recognize a wolflike moral temptation masquerading in the lamb’s clothing of a seeming ethical dilemma.

The really tough choices, then, don’t center upon right versus wrong. They involve right versus right. They are genuine dilemmas precisely because each side is firmly rooted in one of our basic, core values. Four such dilemmas are so common to our experience that they stand as models, patterns, or paradigms. They are:

- truth versus loyalty
- individual versus community
- short term versus long term
- justice versus mercy

The names for these patterns are less important than are the ideas they reflect. Whether you call it law versus love, or equity versus compassion, or fairness versus affection, you’re talking about some form of justice versus mercy. So too with the others. But while the names may be flexible, the concepts are not: These four paradigms appear to be so fundamental to the right-versus-right choices all of us face that they can rightly be called dilemma paradigms. Following is an example of each.

Truth versus Loyalty

As a professional working for a large defense electronics firm, Stan found himself riding a roller coaster of concern about layoffs. Every few years, it seemed, top management slashed jobs as work slacked off—only to hire again when things started looking up. So when Stan and his team members noticed that the executives were again meeting behind closed doors, they suspected the worst.

Stan’s boss, however, was a good friend—and also a voluble talker. So Stan felt no qualms asking him about the future. His boss explained the contingency plan in length—mentioning that, if layoffs were needed, Stan’s team member Jim would be slated to lose his job. He also made it plain that Stan was to keep that information confidential.

Not long after that conversation, Jim approached Stan and asked whether he could confirm what the rumor mill was saying: that he himself would be the target. The request landed Stan squarely in a truth-versus-loyalty dilemma. Because he knew the truth, honesty compelled him to answer accurately. But he had given his word to his boss not to break a confidence, and felt a strong loyalty to that relationship.

Whichever course he chose, then, would be “right.” And he could not choose both.

Individual versus Community

In the mid-1980s, the administrator of a residential care facility in California received a letter from a nearby university hospital,
where his elderly residents typically went for medical attention. The letter reminded him that five of his residents had recently had surgery at the hospital. It also informed him that the medical staff suspected that some of the blood used in their transfusions may have been tainted with the HIV virus. While making it clear that the probabilities of infection were low, the letter asked him to call the hospital immediately and arrange further testing for these five.

That letter, he recalled, presented him with a stark and direct question: What should he tell, and to whom should he tell it? Given the public and professional ignorance about AIDS—this was, remember, the mid-1980s, when the disease was little understood and legal regulations offered him no clear guidance—he felt certain that, if he told his staff, their fear would be so great that they would refuse to enter the rooms of those five, making it impossible to deliver even minimal care to them. But suppose he did not tell the staff and one of them contracted AIDS: Surely he would be culpable.

As it happened, none of the five ultimately tested positive. But that crucial fact was unknown at the time. What was he to do? He knew it was right to honor the individual rights of each of those five residents—the privacy of their medical histories, the expectation of high-quality care at his facility, their dignity as individuals. It was right, in other words, to say nothing.

On the other hand, he knew it was right to protect the community from disease. The staff had not signed on for hazardous duty. Most of them saw themselves as unskilled hourly workers, not members of a life-endangering profession to which they had been called by noble duty and prepared by intensive training. Never mind that they might all phone in sick the day after the announcement: They deserved protection so they could continue to deliver care, with full regard for safety, to the many other residents who were not among the five. So it was right to tell them.

Both sides were right, and he couldn’t do both.

SHORT TERM VERSUS LONG TERM

When he graduated from college with a degree in science, Andy had found a solid job in his profession, married, and had two sons. Twelve years later, he moved to another company that promised steady advancement within its managerial ranks. A devoted family man, he admired his wife’s dedication to raising the boys. But he also observed that his sons, approaching their teen years, benefited greatly from his fatherly friendship and counsel—especially as they approached what he and his wife realized could prove to be a difficult transitional period in their upbringing. So he made a commitment to spend plenty of time with them, playing baseball and helping with their schoolwork.

But he also loved his work, and did well at it. And it quickly became apparent that, to advance rapidly up the managerial ranks, he needed an MBA. A nearby university offered the degree in an attractive evening-and-weekend program that would allow him to continue full-time employment. But it would
soak up the next several years of his life and throw most of the family activities into his wife's hands.

Andy's dilemma set the short term against the long term. It was right, he felt, to honor his family's short-term needs—to stick close to his sons at a time when a father's influence seemed so important. Yet it was right to build for the long-term needs of his family—to equip himself with an education that would make him a better provider in the coming years, when he would presumably need to pay college tuitions.

Both were right, and he couldn't do both.

**Justice versus Mercy**

As feature editor for a major daily newspaper, I found myself in charge of a broad array of different departments. Like most newspapers, ours ran features on education, books, science, and the arts—as well as on cars, chess, stars, gardening, and food. I quickly learned that what makes any of these departments sing is the skill of the writing—and that even in areas in which I had no discernible interest, a well-crafted story could seize and hold my attention just as well as a breaking front-page sizzler. So we always sought to hire young staff members who, whatever other talents they might have, were good writers.

We had just such a young woman on the food page. She had come to us from one of the nation's finest colleges, and had progressed rapidly to the point where, as assistant editor, she wrote regularly. So one summer day, when I noticed that she had submitted a story on Maine blueberries, I was pleased to see it in the queue, awaiting publication in several more days.

The next day I looked up from my computer terminal to find the food editor herself—a woman with decades of experience, one of the best in the business—standing silently in front of my desk. In one hand she held a copy of her young assistant's story on blueberries. In the other hand she held a battered, tan cookbook some 30 years old. She laid each on my desk. And there, on the pages of that cookbook, was our young friend's story, printed word for word.

Among the few cardinal sins of journalism, one stands supreme: You don't plagiarize. Nothing should be drummed more insistently into the minds of young journalists, nothing destroys a career more rapidly, nothing defrauds your readers more egregiously, and nothing is more difficult to detect. This was no right-versus-right ethical dilemma. For our young friend, it was a pure and simple case of right-versus-wrong moral temptation—and she had chosen wrong.

For me, however, it was an ethical dilemma. I found myself torn by two conflicting desires. Half of me wanted to lunge from my desk, brush past the senior editor, and make a beeline for the assistant's desk—whereupon I would overturn it, scatter its contents across the newsroom floor, grab her by the scruff of her neck, heave her out into the street, and call out after her, "Never, never come back—and never let me hear that you are working in journalism anywhere else!" The other half of me wanted to walk over to her desk, quietly
pull up a chair, and say, "What on earth has come over you? You know better than that! Is there something going wrong in your personal life that I haven't been aware of? Let's go have a cup of coffee—you and I have to talk!"

Half of me, in other words, wanted to see justice done in no uncertain terms—punishment swift and sure, the example emblazoned forever into the annals of U.S. journalism—despite the fact that, were I to take such a course, half the newsroom might well line up on one side muttering, "Hard-hearted fascist, too rigid to care!" The other half yearned to be merciful, to extend the hand of compassion in a situation that seemed so desperately to need it—even though, were I to do so, I could foresee the rest of the newsroom lining up on the other side and muttering, "Bleeding-heart liberal, soft on crime!"

It was right to be merciful. It was right to enforce justice. And I could not do both at once.

This last situation offers two useful lessons. First, dilemmas have actors. Any analysis must begin with the question, "Whose dilemma is this?" For the young writer, it was a case of right versus wrong. For me, it was right versus right. For the senior food editor, I'm sure, it was a different sort of right versus right. Do I approach my young assistant directly, or do I take the case to a higher authority?

Second, the way this problem was eventually resolved illustrates an important point about solutions. Resolutions often arise when, in analyzing an apparently stark, rigidly bipolar ethical dilemma, we see a middle way open up between the two rights. In this case, we found that middle course. We learned that the young assistant was indeed having some serious personal problems. And since her blueberry piece had not yet been published, we had some latitude in our actions. So we moved her to an editing slot, with the understanding that she was to do no more writing. She remained in that position several years, eventually leaving to take a job outside journalism.

In listening to and analyzing hundreds of ethical dilemmas like these, I have found that they generally fit one (or more) of the four paradigms. But so what? How does this process of determining a paradigm help us make tough choices?

I think it does so in three ways:

- It helps us cut through mystery, complexity, and confusion—assuring us that, however elaborate and multifaceted, dilemmas can be reduced to common patterns. By doing so, it reminds us that this dilemma—the one that just landed on my desk in the middle of an otherwise ordinary Tuesday afternoon—is not some unique event created sui generis out of thin air and never before having happened to anyone in the universe. It is, instead, an ultimately manageable problem, bearing strong resemblance to lots of other problems and quite amenable to analysis.

- It helps us strip away extraneous detail and get to the heart of the matter. Under this sort of analysis, the fundamental fact that makes this an authentic dilemma—the clashing of core moral values—stands out in bold relief. Looking at this clash,
we can easily see why we have a conflict. Each value is right, and each appears to exclude the other.

- It helps us to separate right versus wrong from right versus right. The more we work with true ethical dilemmas, the more we realize that they fall rather naturally into these paradigms. So any situation that fits one or more of the paradigms must in fact be an issue of right versus right. But what about those situations that strike us as ethical conundrums but resist every effort to fit themselves into the paradigms? Usually there’s a simple reason they don’t fit: They turn out to be right-versus-wrong issues. Any attempt to make them square with one of these four patterns typically mires itself in frustration. While one side immediately appears right, the other side doesn’t. Why? Because there’s nothing right about it: It’s wrong. In this way, the litmus of the paradigms helps us spot the difference between ethical dilemmas and moral temptations.
Resolution Principles

by Rushworth M. Kidder

Excerpted from How Good People Make Tough Choices by Rushworth M. Kidder. ©1992 by the Institute for Global Ethics.

In the hurly-burly of daily journalism, ethical dilemmas abound. That’s not surprising. The news deals with the real lives of people in real events. A subtle shift of nuance in a news story can lose votes, destroy confidences, threaten livelihoods, and impel revenge. Journalism gone wrong, then, is a highly dangerous thing.

Done right, however, journalism builds bridges, shares knowledge, provokes new revelations, and impels constructive change. A worthwhile news story left unpublished can involve a social and economic price in lost opportunity—and, at times, a tremendous political cost in chicanery undetected and duplicity unchallenged. Little wonder that democracy is so closely tied to journalism. “Were it left to me to decide whether we should have a government without newspapers or newspapers without a government,” wrote Thomas Jefferson, “I should not hesitate a moment to prefer the latter.”

Good journalism is all about good sources. While that’s obviously true for the reporter who gathers the news and writes the story, it’s more subtly true for the editor who must decide what issues to follow and what stories to print. Editors typically develop sources at the highest levels of the communities they cover—the political, corporate, cultural, and educational leadership that shapes opinion and sets agendas.

And therein lies a dilemma central to journalism everywhere. On one hand, it is right for the editor to know the community so well, to care for it so profoundly, and to be so much a part of it that nothing important slips past and everything meaningful comes into view. On the other hand, it is right for the editor to stand apart from the fray,
evenhandedly weighing the hotly contested claims of the participants and covering them with a cool and dispassionate impartiality. To gather the news, it is right to be deeply committed. Yet to report that same news, it is right to be objectively aloof. What's more, the tension inherent in this truth-versus-loyalty dilemma often develops quickly, on deadline, in a high-stakes game where careers are on the line and only minutes remain to make decisions.

The ramifications of that tension came home with full force to Katherine Fanning when, as editor and publisher of the Anchorage Daily News in Alaska, she found herself between the proverbial rock and a hard place. Later, as editor of The Christian Science Monitor and president of the American Society of Newspaper Editors, she was one of the contributors to a book on journalism ethics titled Drawing the Line. Here's how she begins describing her dilemma:

The disconsolate banker was waiting when I returned to the paper after dinner.

I knew why he was there. He had just learned that the Daily News was preparing to write a story about his son, who was under investigation for arson. The midnight torching and total destruction of the popular Bobby McGee's Restaurant had shocked the city. Now the revelation that the suspected arsonist was the wealthy son of one of Anchorage's most respected families—and himself the owner of a competing restaurant—would stun the community.

We had known for six months about the investigation that implicated Frank Reed Jr. Reporter Don Hunter brought in regular reports from confidential sources, but we remained silent while the probe continued, hoping we could ver-
And if we don’t publish, the competition will.”
“What if the man has been framed?”
“Everything indicates he’s guilty as hell.”
“What’s the harm to the public interest in
waiting a few days to see?” I also asked if we
could get any official to go on the record. “No.”
The story would be attributed only to “Daily
News sources.” We would be asking our readers
to trust us that it was true.

As I tussled with the problem, I felt certain
any respect the newsroom and my executive editor
might have for me would vanish if I “caved in.” In 15 years working together, he and I had
never had a confrontation like this.

I turned to reporter Don Hunter. “Why do
you think we should run the story now?” I asked.

He hesitated. “I’m not sure. It’s on the street.”

With only a few hours until deadline,
Fanning found herself facing a truth-versus-
loyalty dilemma of the first intensity. The
dictates of truth suggested publication. But the
demands of loyalty urged her to hold the story.

How to resolve it?

For Fanning, as for any of us facing toughchoices, that’s the paramount question. The
resolution process begins with gathering the
relevant information, as Fanning did in her
step-by-step questioning. It continues by
seeking alternatives that might point to a way
around the dilemma: Can we get someone to
go on the record, or can we agree to hold the
story? But when the questioning is done and
facts remain stark and unrelenting, the mind
seeks direction in something beyond the
dilemma itself. That’s when we reach out for a
moral principle that can lead us toward a
resolution.

THREE PRINCIPLES FOR
RESOLVING DILEMMAS

Whether or not we realize it, we’re all
familiar with three such principles, so widely
used that they come readily to mind as sim-
ple, colloquial phrases:

- “Do what’s best for the greatest number of
  people” (which we’ll refer to here as ends-
  based thinking).
- “Follow your highest sense of principle”
  (or rule-based thinking).
- “Do what you want others to do to you”
  (or care-based thinking).

We don’t usually stop to analyze these
principles. In fact, we may be so familiar with
them that we’ve never thought about how
distinctly different they are from one another.
Nor do we typically apply all of them in
every situation. We might have grown so
attached to one that we rarely turn to the
others. But chances are that, if forced to artic-
ulate the reasoning we use to resolve a tough
dilemma, we’ll find ourselves using the logic
developed from one or more of these princi-
pies. Why? Simply because these principles
grow right up out of everyday human experi-
ence. True, each has a long history in moral
philosophy or religious instruction. But they
are not abstract inventions imposed by
philosophers or divines. They have worked
their way into the teaching and practice of
e th ics simply because each is such a famili
part of the human thought-scape.

To be sure, the three principles outlined
here are not the only philosophical positions
one could bring to bear on this issue. Ethics,
after all, is all about the concept of “ought.” It
is not about what you have to do because
regulation compels it (like paying to ride the train) or nature requires it (like eating and sleeping). It's about what you ought to do—have an obligation to do—because it is "right." Not surprisingly, there are those who recognize obligations other that the three suggested here—like maximizing your own self-interest regardless of others, or doing only what your leader says, or acting in the national interest, or following what Joan of Arc called her "voices," or doing whatever feels good. And there are those who recognize no obligations at all, asserting that ethics is wholly relative and situational and that no general rules can exist. These people will no doubt prefer other principles. The three proposed here, however, are among the most widely recognized and commonly used. In our seminars, we've found them to be the most helpful in confronting the choices we commonly face in today's world.

Before applying these three principles to Fanning's tough choice, let's examine them in more detail.

**ENDS-BASED THINKING**

The first moral principle, which asks us to consider the greatest good for the greatest number, is formally known as "utilitarianism." We commonly know it through the phrase "the greatest good for the greatest number." We've called it the ends-based guideline, since it relies so heavily on assessing the consequences or ends of action. The English philosopher Jeremy Bentham (1748–1832), generally credited with developing the first systematic utilitarianism, noted that the measure of the rightness of an action was to be found in the greatest happiness for the greatest number. Focusing on institutions rather than individuals, Bentham was keen to bring a scientific accuracy to the study of morality. Since he saw pain and pleasure as the parameters of happiness, he developed an elaborate scheme to assign relative values to pains and pleasures. His friend John Stuart Mill (1806–1873) further developed utilitarianism by focusing particularly on issues of personal conduct. Refining Bentham's quantitative assessments of pleasures and pains, he argued that "some kinds of pleasures are more desirable and more valuable than others," and noted that the highest pleasure lay in the desire for unity with others. "The happiness which forms the utilitarian standard of what is right in conduct," wrote Mill in his landmark essay "Utilitarianism," in 1861, "is not the agent's own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator." A third Englishman, Henry Sidgwick (1838–1900), developed Mill's utilitarianism by introducing three "axioms of the practical reason" under the headings of prudence, benevolence, and justice.

In all of its formulations, utilitarianism is a species of what philosophers describe as consequentialism—which, simply stated, is the concept that right and wrong can be determined by assessing consequences or outcomes. Known also as a teleological philosophy (from the Greek teleos, meaning "end" or "issue"), utilitarianism focuses on the results of an action (rather than, say, the motives behind a behavior or the rule that is followed to arrive at a particular decision). It is generally seen to fall into two broad camps: act utilitarianism, which
instructs us to take whatever action maximizes the good, and rule utilitarianism, which urges us to follow whatever rule will bring about the greatest benefit. Both, however, are inseparably wedded to an assessment of consequences: You know what's right only by determining what eventually happens.

In practice, modern policy making is largely founded on utilitarianism. The acid test for most proposed legislation is, "Will it serve the largest possible constituency with the greatest benefit?" Not surprisingly, then, a great deal of policy formulation is based on some sort of future assessment, in which current data is extrapolated to show probable consequences. So, too, utilitarianism in the personal realm depends on a careful weighing of alternative futures to determine the more satisfying. This calculus, taking into account the two central factors of utilitarianism, seeks to determine both the relative levels of benefit in the future (the "greatest good") and the scope of the population (the "greatest number") to whom it will be distributed.

The necessity for performing this sort of calculus opens utilitarianism to serious criticism on both the "greatest good" and the "greatest number" fronts. How, critics argue, can you possibly foresee all the consequences of any personal action, let alone of actions on a broad social scale? Humans are notoriously poor speculators, these critics argue, routinely missing the most important consequences and stumbling into unforeseen problems of their own making. Did our ancestors really understand consequences when they imported African slaves into the American colonies with little thought to future racial inharmonies? Did they have a clear sense of end results when they built nuclear reactors with little concern for nuclear waste disposal or put CFCs into aerosol cans with no understanding of the ozone layer? Then how can we possibly be entrusted to determine the "greatest good"? Nor, they object, are humans any good at understanding the "greatest number," since actions have such unforeseen consequences that they may affect vast numbers of people far beyond those first identified. Finally, critics raise serious practical objections. Taking this theory to its logical extreme, they note that a good utilitarian would have to approve the death of a dozen babies in a medical experiment if the result would be a drug that could save millions of other babies. Similarly, utilitarianism would condone the killing of a few innocent passengers to save an airliner full of people from a hijacking, and it would support the exclusion from Western nations of all Iranian travelers because some might be terrorists—positions that would give grave discomfort to most moral thinkers.

**Rule-Based Thinking**

It is partly because of such objections that the second or rule-based principle has such appeal. Asking us to act on our highest sense of inner conscience, it seeks to base action on a maxim or precept that could be universalized. As a form of nonconsequentialism, it is described by philosophers as deontological (from the Greek work ἰσόπολος, meaning "duty" or "obligation"), since it asks not about the outcomes of an action but about our obligations in performing it. It is commonly associated with the name of Immanuel Kant (1724–1804), the German philosopher, and with his concept of the categorical imperative.
That phrase sounds more forbidding than it really is. It describes an imperative (or requirement) that our actions conform to certain large patterns—in other words, that they can be made into universal principles of action. "An action done from duty," Kant wrote, "has its moral worth, not in the purpose to be attained by it, but in the maxim in accordance with which it is to be decided upon." Moral worth, then, depends not on the final purpose of a course of action but on the "maxim" or ethical principle we've used to determine what to do. "What is essentially good in the action," he wrote, "consists in the mental disposition, let the consequences be what they may." For Kant, rightness or wrongness was never to be measured by "the realization of the object of an action" or "the results expected from it," but solely by "the conformity of actions to universal law as such."

So the categorical imperative, as Kant articulated it, is: "I ought never to act except in such a way that I can also will that my maxim should become a universal law." In other words, we should act in accordance with whatever law we would like everyone else in the world to follow in relevant circumstances. It calls upon us, that is, to imagine that by doing the thing we are about to do, we are establishing the type and creating the standard that we want all others to obey from now on. It is perhaps the fullest expression of the adage that we should always live and act according to our highest principles.

Critics of the rule-based approach argue that this guideline is impossibly strict. It commits us, they say, to the absurd rigidities we usually associate with a teacher's refusal to let little Johnny undertake some tremendously creative project because "if I let him do it, I'd have to let everyone do it." To demand universalizability, they argue, is to overlook both the vast varieties of human individuality and the press of unique circumstances in an imperfect world. If we elevate promise keeping to a universal maxim, what is a child to do when, having promised her dad to stay indoors while he's shopping, she sees that her puppy has broken its chain and is wandering close to the busy highway? Does she honor the promise and let the puppy get hit, or rush outside to save him? To this, of course, the rule-based thinker may well retort that the promise was exacted precisely because of such situations—so that the child, trying to save the puppy, would not also endanger herself. Thinking consequentially, she worries that the puppy may be injured. But her consequentialism may not have extended far enough to calculate the danger to herself—a problem her dad foresaw in asking her to obey the rule regardless of what might come up. Very well, say the critics. Then are you saying that the Kantian, for the sake of obeying a universalizable rule, such as "Keep all promises," is willing to overlook an equally powerful rule that says, "Prevent killing?" It is on this point of conflicting rules that such an approach is vulnerable.

**Care-Based Thinking**

But what if neither ends-based nor rule-based thinking seems right to us? If we seek something more than what one commentator describes as "the invasive do-gooding of utilitarianism" or "the coldness and severity toward normal human concerns of Kantian theory," where do we turn? The third princi-
ple, urging us to do to others what we want others to do to us, is widely known as the Golden Rule. We've called it the care-based principle, since unlike the first two it asks us to care enough about the others involved to put ourselves in their shoes. This rule, familiar to students of the Bible, is often thought of as a narrowly Christian dictum. To be sure, it appears in the book of Matthew: "All things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets." But Jews find it in the Talmud, which says, "That which you hold as detestable, do not do to your neighbor. That is the whole law: the rest is but commentary." Or, as it appears in the teachings of Islam, "None of you is a believer if he does not desire for his brother that which he desires for himself."

Why is this rule "golden"? The word suggests its rank as the first and most valuable rule—"the law and the prophets," as Jesus said, or "the whole law" according to the Talmud. But the label "golden" was applied by Confucius (551–479 B.C.), who wrote, "Here certainly is the golden maxim: Do not do to others that which we do not want them to do to us." Similar formulations appear at the center of Hinduism, Buddhism, Taoism, Zoroastrianism, and the rest of the world's major religions. As philosopher Marcus G. Singer writes, the Golden Rule is "a principle of great antiquity" that has "played a key role in the moral teachings of nearly all cultures and religions and continues to play a key role in moral education." Until recently, however, it "did not receive much philosophical discussion, had been mentioned usually only in passing, and was discussed mainly in works of . . . moral theology."

The Golden Rule partakes of the criterion of reversibility. The test of the rightness or wrongness of an action is to imagine yourself as the object rather than the agent of that action and to consult your own feelings as to the results. Whether the rule is expressed positively or negatively—prompting us to do what we want done to us, or to avoid doing what we don't want done—makes little difference. More important is the point, made by Augustine and others, that the Golden Rule not only sets limits on our actions but encourages us to promote the interests of others. In that sense, the rule is so commonplace as to be almost unavoidable in human experience. "To protest 'double standards'—arbitrary exception making, inconsistent application of judgments when persons and situations are relevantly similar," writes Yale University ethicist Gene Outka, and to "attempt to put oneself in another's shoes, to try to identify imaginatively with his or her narrative: when we perform these and similar exercises, we follow the Golden Rule." Even philosopher John Rawls's concept of the "veil of ignorance," a thought experiment designed to level the moral playing field, partakes of the reversibility criterion inherent in the Golden Rule.

Critics of the Golden Rule—chief among them being Kant himself, who dismissed it in a famous footnote as "merely derivative of our principle"—protest that it is too simplistic to be a supreme moral principle. "It was never intended as a guide to practical choice independent of all other principles of conduct," writes Sissela Bok, adding that "it has nothing to say about specific choices, nor does it endorse particular moral principles, virtues or ideals." For example, the rule fails to give
guidance in situations in which both parties happen to like immoral things. It would approve, apparently, my bribing someone else with the understanding that, were I in his shoes, I would want to be bribed. The rule also produces some practical difficulty of determining the most relevant "other"—the one into whose shoes you wish to fit—when ever a number of players are involved each having different concerns and issues. It remains, nevertheless, a principle frequently and effectively applied to tough dilemmas by decision makers everywhere—including participants in our seminars.

What happens when we apply these three principles to Fanning's example?

Ends-based. The utilitarian calculus begins by asking, "What's the greatest good?" For an editor committed to First Amendment rights and the Jeffersonian importance of the circulation of news, that "good" may well be the story itself. While a small number of people in Frank Reed's family may be well served by refusing to publish the story, the "greatest number" is probably the public. So the greatest good for the greatest number may demand that the public at large, rather than the Reed family, be the focus of attention. From this perspective, the consequences of publishing the story—sustaining the free flow of information, even when some of it is potentially damaging to individuals who may be innocent—probably outweigh the consequences of bowing to pressure and protecting, for the moment, an old friendship and a still-unindicted citizen.

Rule-based. Here the thinking process begins with a consideration not of consequences but of rules. What is the highest rule, we may ask, that should be followed here? What, moreover, is the rule that Fanning would like to see universally invoked? How would she like to see all other editors behave in similar circumstances? The rule may be, "Always publish the truth, and let the consequential chips fall where they may"—since, for many people, a world of universal truth telling, while sometimes uncomfortable, is the healthiest and most sustainable of worlds. But the rule may be, "Always protect the innocent, and let the chips fall where they may"—a rule that, followed here, would lead Fanning to hold the story. Whichever the rule, one point is clear: This way of thinking focuses not on consequences but on the rule itself.

Care-based. When we consider doing to others as we would want them to do to us, we quickly recognize that there are several "others" here: the executive editor, the reporter, Frank Reed Jr. But the most compelling "other," for Fanning, is pretty clearly Frank Reed Sr. Putting herself in his shoes, she finds that she, too, could well be convinced of the son's innocence and long to shield him from harm. From this perspective, she may choose to set her sense of individual care and human concern above the two other principles. She could, of course, argue that if she were in his place she would want the newspaper to be tough and unswerving in its commitment to justice. But she would probably be more readily drawn to the argument that, in his shoes, she would want compassion, a listening ear, and a helping hand.

In the end, as Fanning recalls, her decision was apparently based on the second and third
of these guidelines. Here's how she concludes her account:

A decision could be delayed no longer. "Hold the story," I said, reversing the executive editor. Daggers.

My reasoning was simple. Was beating the competition enough reason to risk damaging someone's life and reputation? What public interest was really being served by printing this story before the indictment? It was bad luck that everyone knew I was emotionally indebted to Frank Reed Sr., but that was irrelevant to the principle involved.

Would I have made the same decision if the father had been an unknown? I certainly hope so. Would I have taken so much heat? No.

A week later Frank Reed Jr. was indicted for arson. This time, my luck was good. We got the story first.

The highest principle she articulates, here, is that you don't damage someone's life simply to beat the competition. Consulting her motives for action, she recognizes that if the justification for publishing is largely to scoop the other newspaper, that's not good enough. She also sees the decision as one of timing. The question is not, "Is this a valuable story?", but, "Is this the time to publish it?" The tone of the decision very much reflects her personal and individual care for others—not (she hopes) based on the position of Frank Reed Sr. in the community, but on the common humanity she shares with her fellow citizens.