



Ethics Applied

edition 5.0

DEDICATION

*To the students, faculty, trustees,
alumni and staff of St. Petersburg College*

*“Day by day
what you choose,
what you think,
and what you do is who you become.
Your integrity is your destiny . . .”*

Heraclitus, Greek philosopher

ACKNOWLEDGMENTS

The college especially appreciates the outstanding contributions of the authors, for their expertise, cooperation and enthusiasm in this very special, interdisciplinary project, designed for the use of students throughout their lives. As former St. Petersburg College student government president John Griffis stated: "I may not use calculus every day of my life, but I will use this ethics course every day for the rest of my life."

In the fall of 1982 Paul Ylvisaker, then dean of the Harvard School of Business, addressed the Association of Governing Boards of Colleges and Universities. He challenged postsecondary educators to do more in the study of ethics. In the audience was Thomas H. Gregory, former chairman of the Florida Commission on Ethics who subsequently became chairman of the District Board of Trustees of what was then St. Petersburg Junior College. Gregory accepted the challenge. The college's president shared it with the college faculty. By early 1985, after careful planning, the college established a required course in Applied Ethics for Associate in Arts degree students and, later, for all degree-seeking students. The college is indebted to the memory of Dr. Ylvisaker, now deceased, for his inspiration and guidance. Without his encouragement this textbook would not have been attempted.

Among the many who played vital roles in the book's creation are Dr. Carl M. Kuttler, Jr., SPC president, whose vision and commitment made the project possible; Emily Baker, M.S., J.D., director of the Applied Ethics Institute at the college; Michael Richardson, former Executive Assistant to the college president; past and present members of the Applied Ethics Faculty at the College; former and present trustees including W. Richard Johnston, Evelyn Bilirakis, Kenneth P. Burke, Cecil B. Kane, and Dr. Susan D. Jones, Chairman. Also involved in the historic commissioning of this project were past Chairman Dr. Pamela Jo Davis; Chairman Emeritus Joseph H. Lang; and Karen K. White, J.D., who guided the establishment of the department, the original course and who served as textbook project manager for the first edition.

The college also wishes to acknowledge the authors of each of the editions for their part in the success of this endeavor. In addition, the college expresses its appreciation to Mark Loechel, Claire Brantley, Gail Linton, Debbie Coniglio, and Hal Hawkins of Pearson Education, as well as the following individuals who assisted in various ways from simple encouragement to various levels of expertise and detailed editing: Chris Gill, Dr. Carol Copenhaver, David Henniger, Kathy Federico, Dr. Lee Miller, Shirley Hunter, Rhonda Renee, Charles C. Lasater, Anna Goree, Lynda C. Derzypolski, Richard L. Denlinger, and Jay C. Hopkins.

ETHICS APPLIED

eDITION 5.0

MISSION STATEMENT:

The purpose of this book is to cause the reader to stop and think reflectively, to use the powers of critical thinking and moral reasoning to apply ethical theory and principles in the challenges of life. The chief outcome of understanding this textbook will be that students will have a grasp of theories of moral reasoning and be able to develop and apply their own approaches to ethical decision-making.

THE EDITORS

Keith Goree, B.A. Harding University, M.M.F.T., Abilene Christian University, is the Director of the Applied Ethics Institute at St. Petersburg College. He is the author of a high school text, *Ethics in the Workplace*, and has conducted over 100 ethics presentations and seminars. Goree helped to write the U.S. Justice Department's national law enforcement ethics curriculum. He was awarded the national Carol Burnett Award for ethics in journalism. In 2005 he was named the national Professor of the Year by the Association of Community College Trustees.

Mary Dawn Pyle, B.A. Social Welfare, University of West Florida, M.A. Religious Studies, University of South Florida, is a former Professor of Applied Ethics at St. Petersburg College in Florida. She has been a manager of human resources and community relations for Fortune 500 companies, and has written and taught numerous classes and seminars on business and religion. Pyle is also the author of many newspaper and magazine articles.

Emily Baker, M.S. Criminal Justice, University of Southern Mississippi, and J.D. Mississippi College School of Law, is the retired Director of the Applied Ethics Institute at St. Petersburg College. She presided as County Court Judge in Jackson County, Mississippi, for 16 years and served as a member of the Foundation for the National Council of Juvenile and Family Court Judges. Judge Baker has lectured and taught in the fields of criminal justice and law and as professor of ethics at the college. She has written numerous articles and was, for some time, author of a weekly newspaper column.

JoAnne V. Hopkins, J.D. Stetson University College of Law, is Professor of Applied Ethics at St. Petersburg College. She was formerly in the private practice of law in Clearwater, Florida. Dr. Hopkins has taught at The Segal Institute for Paralegals and has taught ethics seminars to groups including legal secretaries and the U.S. Department of Justice.

THE WRITING FACULTY

PART I The Foundation of Ethics

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Dr. Roy Peter Clark is vice-president and senior scholar at the Poynter Institute, a school for journalists in St. Petersburg, Florida. Clark is the author or editor of more than a dozen books on the craft and values of American journalism. He writes regularly for the Poynter website <http://www.poynter.org>, a valuable resource on media ethics.

Allen F. Plunkett, Jr., M.R.E. Providence College, is Professor of Ethics at St. Petersburg College where he teaches Applied Ethics, Logic and Philosophy and is sponsor of the Phi Theta Kappa Chapter at the Tarpon Springs Center and coach for the College Ethics Bowl Team.

Michael Richardson award-winning editor of editorials of the *St. Petersburg Evening Independent* and former member of the editorial board of the *St. Petersburg Times*, retired as executive assistant to the president of St. Petersburg Junior College. Author of a human rights documentary, *After Amin—The Bloody Pearl*, he is a past chairman of the professional standards committee of the National Conference of Editorial Writers (NCEW) and former president of the NCEW Foundation.

PART II Major Social Issues

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Emily Baker, M.S. Criminal Justice, University of Southern Mississippi, and J.D. Mississippi College School of Law, is the retired Director of the Applied Ethics Institute at St. Petersburg College. She presided as County Court Judge over the Youth Court Division in Jackson County, Mississippi, for 16 years, including eight years as senior judge of the County Court. She served as a member of the Foundation for the National Council of Juvenile and Family Court Judges and lectured extensively in the field of criminal justice. She has taught in the fields of law and criminal justice and as a professor of ethics at the college. Judge Baker has written numerous articles and was, for some time, author of a weekly newspaper column.

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editor (with Casey Haskins) of *Dewey Reconfigured* (SUNY Press). He is former Volunteer Co-ordinator of the Speakers' Bureau of GLAAD-NY, and one of the organizers of Boycott Colorado in 1993. His current research involves the liberalism implicit in the late writings of Michel Foucault, and the working title for his forthcoming book is: "Spiritual Autonomy after Foucault: A Philosophy of Christian Neo-liberalism."

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Garland Thompson, J.D. Temple University School of Law, is a member of the Editorial Board of the Baltimore Sun, executive editor of *The Crisis*, official publication of the National Association for the Advancement of Colored People, and a Gannett Fellow teaching at the University of Kansas. His interest and research contributed to a landmark Equal Employment Opportunity Commission case.

James W. Nickel, Ph.D. University of Kansas, is a Professor with the College of Law at Arizona State University. Previously he taught at Wichita State University and in the Jurisprudence and Social Policy Program of the University of California at Berkeley Law School. Nickel's fields of specialization are ethics, political philosophy, and the philosophy of law.

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Holmes Rolston III, Ph.D. University of Edinburgh, 1958, is University Distinguished Professor at Colorado State University where he is especially known as a leading scholar in environmental ethics, having published *Philosophy Gone Wild* (1986), *Environmental Ethics* (1988) and *Conserving Natural Value* (1994). He is also a co-founder and associate editor of the *Journal of Environmental Ethics* and founding past president of the International Society of Environmental Ethics. Rolston is also a backpacker, a field naturalist, and a biologist. Dr. Rolston was the recipient of the Templeton Prize for 2003.

PART III Ethics in the Workplace

Mary Dawn Pyle, B.A. Social Welfare, University of West Florida, M.A. Religious Studies, University of South Florida, is a former Professor of Applied Ethics at St. Petersburg College in Florida. She has been a manager of human resources and community relations for Fortune 500 companies, and has written and taught numerous classes and seminars on business and religion. Pyle is also the author of many newspaper and magazine articles.

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Emily Baker, M.S. Criminal Justice, University of Southern Mississippi, and J.D. Mississippi College School of Law, with additional graduate work at the University of South Florida. She presided as County Court Judge in Jackson County, Mississippi, for 16 years, served as Public Defender and was a partner in the law firm of McRae and Baker. Judge Baker is the retired Director of the Applied Ethics Institute at St. Petersburg College. She served as a member of the Foundation for the National Council of Juvenile and Family Court Judges and has lectured and taught in the fields of law and criminal justice and ethics. She has written numerous articles, and for some time, authored a weekly newspaper column.

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Donald Pride, former press secretary for two-time Florida Governor and U.S. Senate candidate Reubin Askew, was director of investigations for the Chief Inspector General, Office of the Governor, State of Florida. Former editor of a New England weekly newspaper, editorial writer and political writer for the *St. Petersburg Times* and columnist with the *Tampa Tribune*, he also was a candidate for Florida Secretary of State.

Michael Richardson retired as award-winning editor of editorials of the *St. Petersburg Evening Independent* and former member of the editorial board of the *St. Petersburg Times*, then retired again as executive assistant to the president of St. Petersburg Junior College. Author of a human rights documentary, *After Amin—The Bloody Pearl*, he is a past chairman of the professional standards committee of the National Conference of Editorial Writers (NCEW) and former president of the NCEW Foundation.

OTHERS

Cartoons

Donald G. Addis, B.A. University of Florida, is an editorial cartoonist for the *St. Petersburg Times*, and nationally recognized for his "Bent Offerings" distributed by Creators Syndicate Inc. His pungent wit has appeared in national publications for more than three decades. The prize-winning artist is a 1993 recipient of honors from the National Cartoonists Society.

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Thomas Derzypolski received his M.S. from Florida State University in Mass Communications. He designed, built and managed two of the first FM radio stations for the Roman Catholic Church in the United States, and the first FM radio station for Florida A&M University. Derzypolski, a Vietnam veteran, has taught at Florida A&M University, Marshall University, and the University of South Florida and is Professor of Applied Ethics at St. Petersburg College.

EDITORS' NOTE

Perhaps, in this instance, you can tell a book by its cover. Artist Jack Barrett, whose work has graced galleries in the U.S. and Canada, captures in a glance the theme of this text with his portrayal of a stop-light emphasizing the yellow light. Those who conceived of the textbook and those who commissioned and produced it have no desire to tell anyone which direction to turn. Their objective is to cause a thoughtful pause that will lead readers to look and listen with heightened awareness of the risks and rewards of ethical decisions made in life—thus, the yellow light. This fourth edition now enters the interactive, electronic world in a thoughtful and effective way:

- * The accompanying website, including a study guide and a host of supplemental learning materials.
- * Electronic “hot links” to research key terms, issues, concepts, and personalities covered in the text.
- * Links to the home page of the St. Petersburg College Applied Ethics Institute.
- * Listings of motion pictures in which ethical issues have been depicted.

In addition, there is a unique 16-page full-color art section from the Leepa/Rattner Collection, located on the Tarpon Springs Campus of St. Petersburg College in the *Leepa/Rattner Museum of Art*. The Leepa/Rattner Collection focuses on how individual and world events of the 20th century shaped the careers of a family of artists. Abraham Rattner was a figurative expressionist who became one of the country's leading colorists; his second wife, Esther Gentle, was a printmaker, sculptor and painter; and Allen Leepa, son of Esther Gentle, is a noted author, art critic and prize-winning abstract expressionist painter. The paintings are interspersed with examples of timeless wisdom.

The text itself is dedicated to the teaching of Ethics: the reasoned study of what is morally right and wrong, good and bad. This study includes moral duty and obligation, and values and beliefs used in critical thinking about problems. In *Ethics Applied*, edition 4.0, the emphasis is on applying that thinking to daily decisions. The St. Petersburg College Applied Ethics Program, as has been noted in the Acknowledgments, was inspired by Dr. Paul Ylvisaker, former dean of the Harvard School of Education, who in 1982 urged colleges and universities to require courses in ethics to meet an emerging societal need. Creation of the book was affected also by the work of the Hastings Center Institute for Society, Ethics and the Life Sciences, which directed a two-year study on “The Teaching of Ethics in Higher Education.”

The purpose of the text is to provide breadth and balance to ethical problems. Written with clarity by an amalgam of academicians and practicing professionals for the postsecondary student experiencing

a first taste of ethics study, it emphasizes actual application of ethics to daily decision-making. Considerable effort has been made to avoid indoctrination. In addition to religious ethics, eight approaches to moral reasoning are presented with the stipulation that the theories are only guideposts to assist students in recognizing and applying their own moral and ethical lights.

The Ford Foundation and Carnegie Corporation jointly sponsored a study that urged training for business managers to develop “a personal philosophy or ethical foundation.” American society has been rocked on its heels many times before and since, by moral failure and ethical scandal. The need for ethics in the workplace has never been more pronounced; so it is that a good portion of this text is devoted to workplace ethics, but not to the exclusion of the classical ethical concerns of life-and-death decisions and social justice.

The book is a wake-up call to the array of conflicts of interest that pose ethical challenges in every walk of life. It meets students where they are, with no assumption that they have given much thought to the issues of ethics. It relies heavily on actual news stories of recent vintage that depict the ethical traps into which many have fallen, from Enron to Arthur Andersen, not to mention the scandal-a-day world of Washington, D.C. It also explores the ethical implications of such apparently mundane transactions as paying for roof repairs.

The Foundation of Ethics takes up Socrates’ warning of the emptiness of an unexamined life and begins the self-examination process. Carefully, slowly, and in an explanatory style, authors show students how to develop critical-thinking skills, to recognize behavior, applications of religious ethics, and to understand eight different philosophical approaches to moral reasoning—from classical to contemporary—and the accounts and stories from which they are drawn. Moral development itself is explained so that students can recognize stages of moral awareness in decision-making. In fact, Chapters 4 and 5 comprise the fulcrum of the book as to ethical reasoning, and it is expected that students will want to read them more than once, in order to develop their own integrated worldview.

The Major Social Issues section features chapters on diversity, violence, economic justice, bioethics, abortion, death and dying, human rights, pornography, the earth, and capital punishment. **It is not expected that each of these topics would be covered in a single course.** It is expected that faculty would exercise their judgment in the selection of those issues which would most benefit their students. These chapters are often heavily devoted to information peculiar to each subject. In this way the book practices what it has instructed in earlier chapters—that, often, the key to ethical decision-making is a complete examination of the details and implications of an issue. Students are challenged to apply general moral principles and philosophical approaches through critical thinking to the problems inherent in these issues and **to draw their own conclusions.**

Ethics in the Workplace is an eight-chapter section full of information about the ethical implications of actions on the job—ranging

from insider trading to sexual harassment to cyber-ethics and computer technology. Here the student finds the grist of the business world—corporate culture, discrimination in the workplace, employee rights, unscrupulous advertising, employer and employee obligations, government regulation, and public policy and safety.

The wide margins belong to the reader as a place for dialogue with the writing faculty and the editors. The reader is urged to make notes throughout the text by using the margins. Especially pertinent notes of authors are emphasized in the margins. Also the margins are host to the poignant comments of others, asides, levity, and critically placed icons emphasizing strategic elements of the text. Have fun in the margins!

At the end of each chapter, review and analysis questions establish a baseline for student learning activity. This section, of course, is not intended to supplant the instructor's primary role in teaching and learning. Note also additional matter included in the course associated, password-protected website. Instructions for its use may be found in the textbook. It includes references to Internet addresses, motion pictures related to the topic, additional readings, selections, notes and links to still other applicable information.

Uniquely, the text is illustrated with cartoons drawn by a prominent national cartoonist Don Addis. The intent here obviously is not to suggest that the issues of life are frivolous but that a sense of humor goes a long way in today's world, in promoting understanding, and even reader endurance. Then too, some have suggested life is too important to leave just to philosophers!

An **Appendix, Comprehensive Glossary, and Index** complete the text. These instruments are offered to assist instructor and student as they pursue the application of their own ethical standards in daily choices. A Study Guide is included on the web page and an Instructor's Manual and Test Bank are available to teaching faculty from Pearson Education.

It is important that students remember the purpose of the text is to equip them to recognize and use their own moral compasses—not to persuade them of any particular philosophical life-view. *The students are expected to follow the rules of ethical dialogue, which require respect for other and differing views.*

A final note: "If you could sum up what this book is about," authors are asked, "what would you say?" We would be remiss if we did not attempt an answer. There are general moral principles in life. And there are ethical and moral problems. A person can build self-confidence by taking control of problems, by understanding and applying general moral theories and principles, by making ethical judgments and by reaching conclusions about the most appropriate ethical action to take in the various situations of life. When you do that, you have practiced applied ethics. To that end, the book is dedicated.

—*The Editors*

INTRODUCTION

"Ethics is never dispensable. It is an integral part of human survival. But in the 21st century, such survival will be a more complicated and precarious question than ever before, and the ethics required of us must be correspondingly sophisticated."

—Oscar Arias, Shared Values for a Troubled World



After a big storm, you discover that the roof of your house leaks. You are concerned because times are tough. You don't want to deplete your savings by having to pay for costly roof repairs. Someone recommends ACME roofers to you: "Good work at a fair price."

Mr. Johnson of ACME inspects your roof. "You've got some pretty extensive damage," he says. "It'll take three days to fix it."

"How much?" you ask.

"Well, we'd usually get about \$3,000 for this. But I'd be willing to do it for \$1,500—if you pay me in cash."

You are surprised, and then relieved. What a good price—much less than you expected. But suddenly you get a funny feeling in the pit of your stomach. "I wonder why he wants to be paid in cash."

Welcome to the world of applied ethics! Ethics is the reasoned study of what is morally right and wrong, good and bad. Even if you have integrity, doing the right thing may not be easy.

Dr. Roy Peter Clark is vice-president and senior scholar at the Poynter Institute, a school for journalists in St. Petersburg, Florida. Clark is the author or editor of more than a dozen books on the craft and values of American journalism. He writes regularly for the Poynter website <http://www.poynter.org>, a valuable resource on media ethics.

DOING THE “RIGHT THING”

Your roofer is a member in good standing of the underground economy. He lowers his price in exchange for cash payments. His goal is to avoid

paying taxes. He is breaking the law, but he, and others like him, have been at this a long time, and there is little chance he will be caught.

People don't turn him in for one simple

reason: self-interest. He does provide good service at the best price in town. Americans appreciate a bargain, don't they?

Are you faced with an ethical issue?

Imagine that your roofer has offered you his best deal. Now consider these questions that highlight the moral issues:

1. Is it wrong for you to pay him in cash?
2. Is it wrong for you to act in your family's self-interest? After all, times are hard.
3. What do you need to know about your roofer, his business and his motives, in order to make a good decision? How would you find out?
4. Is Mr. Johnson really doing any harm? Isn't he helping people by offering a low price?
5. If Mr. Johnson cheats on his taxes, would he cheat elsewhere?

YOUR “GUT INSTINCT”

We have several names for that feeling in your stomach. Some call it your conscience. Some call it your sense of right and wrong. Others call it your gut reaction. Whatever it is, maybe it resides in another part of your body. Perhaps you hear a “warning bell,” or see a “flashing caution light.” We say that something “smells fishy.” We look at a person in conflict and wonder, “What's eating him?”



CHIEF LEARNING OUTCOME

To understand the symbolism and significance of the traffic light on the cover of the textbook and to better identify ethical issues.



KEY TERMS

1. **Ethics**—The reasoned study of what is morally right and wrong, good and bad.
2. **Ethical issues**—Moral questions or problems; situations or actions that contain legitimate questions of moral right or wrong.
3. **Critical thinking**—Informed and logical thought, or logical problem solving.
4. **Situational ethics**—Determining what is right or good solely on the basis of the momentary context; this implies that what is right or good today in one situation may not be right tomorrow in another set of circumstances.
5. **Conflict of interest**—A type of ethical problem that occurs when a person who has made an ethical commitment or promise to act in the interests of another person or group, violates that promise and acts in his or her personal interests instead.

Our body wisdom sends us signals about what is right and wrong.

We may read volumes of philosophy or sit at the feet of a wise and ancient holy man. We may be young or old, rich or poor; but for many of us, an ethical decision may begin not with an idea, but with a feeling in the gut.

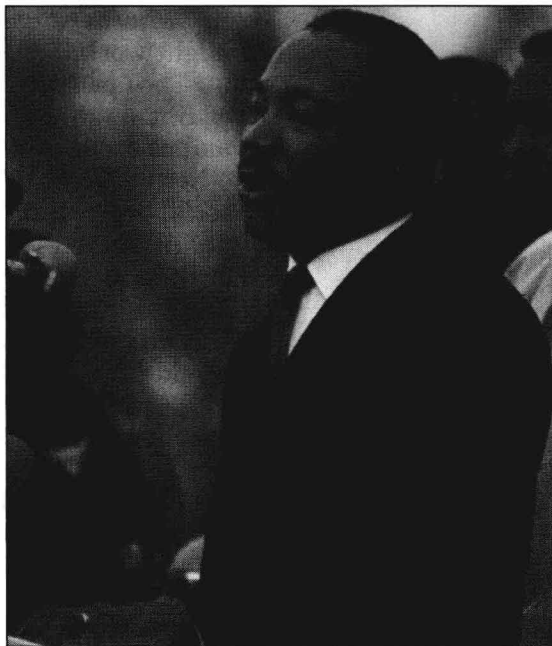
But ethics cannot end there. It must move from the gut to the heart, mind, and soul. We grow as ethical people by moving from our instinct to rules and guidelines that light the way to a moral decision.

FOLLOWING “THE RULES”



Let's return to the decision we need to make about the repairs on our roof. We're suspicious of the roofer's motives, but what next? Maybe there are some “rules” that would help. Is there a law against paying Mr. Johnson in cash? Probably not, but there are laws against evading your taxes. Am I, in some way, helping him break the law? Am I his accomplice? Aren't there some “rules” that say “a person should not lie or steal” or “people should respect the legitimate authority of government,” that is, they should pay their taxes? Even if we do not believe there is a written law against our actions, is it right? Just because it is legal, does that mean it is ethical?

The world of law is smaller than the world of ethics. You can follow the law and still do something unethical. Perhaps you have every legal right to pay in cash and take the lower price. You may have heard someone say this before: “Just because it's legal, doesn't make it right.” *“Letter from the Birmingham Jail,”* written by Martin Luther King, Jr., sheds light on this statement.



Civil rights activist Martin Luther King, Jr. in Montgomery, Alabama, 1965. UPI/Corbis-Bettmann.

THE STORY BEHIND MARTIN LUTHER KING, JR.'S “LETTER FROM THE BIRMINGHAM JAIL”

In the spring of 1963, Dr. King was on a tour of cities in the South. On this particular swing, Dr. King's goal was to speak about school integration. In 1954, the U.S. Supreme Court had ruled that the Southern school systems had to integrate. The old slogan, “Separate, but equal,” had been exposed a sham. As long as black and white children were educated in separate schools, “equal” was never going to happen. But nine years after the Court's ruling, most Southern states and cities were still refusing to obey that law.

Can you imagine that happening today? Can you imagine any situation in which a state would defy a Supreme Court ruling for over nine years? The leaders of these Southern states and cities were trying to frame the issue as a matter of protecting states' rights against an overbearing federal government, but deep down it was about prejudice and bigotry.

In the middle of this rebellious, contentious climate, Dr. King announced that he was going to Birmingham. Clearly, the city leaders there would have been threatened by this, and they were determined to find a way to stop him from speaking. The problem with that was that Dr. King's right to speak his mind was protected by the 1st Amendment to the Constitution. The city leaders were really looking for a way to get around Constitutional protections. And one of the city attorneys had found an old law on the books that some thought might work.

The law stated that no one was allowed to hold a parade in the city of Birmingham without first getting a permit from city hall. That makes sense in a way. You don't want two parades crashing into each other on Veteran's Day. Laws like this are designed to promote the social order. But the city leaders decided that, if you think about it, a public speech is sort of like a parade. There might be large crowds milling around, possible traffic tie-ups, and so on. So the leaders decided that, from that point on, public speeches would fall under the parade law. Anyone wishing to make a public speech in Birmingham would first have to obtain a permit from city hall.

But they *really* aren't the same, are they? Requiring people to get permits to make speeches is really about controlling who is allowed to speak and what people are allowed to say—direct violations of the 1st Amendment. Plus, it couldn't actually work, could it? How many people do you have to be talking to at once for it to qualify as a public speech? (10? 5? 2?) How many persons in a city the size of Birmingham would make "public speeches" in any given day? If this law was implemented, the staff at City Hall would never have time for anything but printing out speech permits. But that wasn't relevant to the city leaders at the meeting. They didn't really intend for this law to apply to everyone—just Martin Luther King, Jr. and anyone else they ever needed to use it on.

Somehow the word got to Dr. King that he needed a permit to make a public speech in Birmingham. When he arrived in the city, he went to city hall and requested his permit. His request was, of course, denied. At this point, Dr. King faced a legal and an ethical issue. Should he obey this law? What would the consequences be if he did? He would have to leave town quietly and go to some other city—precisely what the leaders of Birmingham wanted. But if he did that, what would happen in the next city? Many Southern city leaders were looking for ways to stop Dr. King from riling up their citizens. If he obeyed this law, Dr. King would not be making many more public speeches in the South.

The other option was to disobey the law. That would have consequences, too, but that's what he decided to do. So Dr. King got up to

make his school integration speech in defiance of the parade law. At some point in the speech law enforcement officers stepped in, arrested Dr. King, and took him to the city jail.

In jail, Dr. King learned that he was being criticized harshly in the Birmingham newspaper. That wasn't new, of course, but it was the source of the criticism that bothered him. A group of local religious leaders had written a letter to the editor condemning Dr. King for intentionally breaking the law. These religious leaders were Reverend King's colleagues and peers. He would have considered most, if not all, to be his spiritual brothers. But there was something else at stake, too.

Throughout his career, many religious leaders in the South had been quiet supporters of Dr. King's cause. More than a few agreed with him about the inherent injustice of racism. They may have inwardly hoped that Dr. King would win his struggle for civil rights. But they had too much at stake to go out and march with him—their jobs, their standings in the community, perhaps even the safety of their families. So many, though certainly not all, of these Southern religious leaders just stayed home and quietly wished him well. Dr. King was frustrated that they wouldn't speak out. (You can hear his frustration when he speaks of these "white moderates" in his letter.) But at least they weren't fighting against him like most other influential Southern Whites were. He didn't want to lose whatever measure of support they were willing to offer.

But that's exactly what was happening. The letter to the editor chastised him for publicly breaking the law. In 1963 most Americans recognized two kinds of people—good people who obeyed the law and bad people who broke it. The concept that a good person might break an unjust law as a matter of conscience was foreign to many people. (In fact, this principle might be the most important lesson Dr. King taught Americans.) So how should people think of him now? Was he a good person for standing up against injustice or a bad person for breaking the law?

Plus, the letter to the editor pointed out an apparent inconsistency. After all, Dr. King had come to Birmingham to say that the Southern leaders had to obey the Supreme Court's ruling on school integration whether they agreed with it or not. Then what was the first thing he did when he got to town? Right—he broke a law he didn't agree with. Did he consider himself to be above the very laws that he wanted to force others to follow? He was being accused of being a hypocrite.

Somehow, Dr. King had to argue convincingly that he was right to defy the parade law, but at the same time, the city leaders were wrong to defy the Supreme Court. That's not an easy argument to make, is it? How would you make that argument? Dr. King decided to argue that there are actually two kinds of laws. Some laws are *just* (morally right and fair), and they should always be obeyed. On the other hand, he contended, some laws are *unjust* (morally wrong and unfair), and these laws must be disobeyed. The parade law was unjust. The Supreme Court ruling on integration was just.

So what are the differences between just and unjust laws? How can these differences be more than personal perceptions and preferences? Dr. King explains that in his letter and you can read it in his words. While Dr. King is more famous for his speeches than his writings, this is an exceptional essay. Our textbook contains only a condensed version; the full text is several times this long! Moreover, you'll notice numerous references to other philosophers and religious leaders. Perhaps most amazingly, as you are reading remember that he wrote this essay from a jail cell on scraps of paper loaned by a jail trustee—without any reference books at all!

Note: The original letter from local clergy members to the Birmingham newspaper is linked to your textbook website. You might want to read it first and consider how you would respond before you read how Dr. King decided to.

LETTER FROM THE BIRMINGHAM JAIL

Endnote 1

Why We Can't Wait

Martin Luther King, Jr.

HarperCollins Publishers, Inc. 1963, 1964

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have yet to engage in a direct-action campaign that was "well timed" in the view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "Wait!" It rings in the ear of every Negro with piercing familiarity. This "Wait" has almost always meant "Never." We must come to see, with one of our distinguished jurists, that "justice too long delayed is justice denied."

We have waited for more than 340 years for our constitutional and God-given rights. The nations of Asia and Africa are moving with jetlike speed toward gaining political independence, but we still creep at horse-and-buggy pace toward gaining a cup of coffee at a lunch counter. Perhaps it is easy for those who have never felt the stinging darts of segregation to say, "Wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate-filled policemen curse, kick, and even kill your black brothers and sisters;

when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see ominous clouds of inferiority beginning to form in her little mental sky, and see her beginning to distort her personality by developing an unconscious bitterness toward white people; when you have to concoct an answer for a five-year-old son who is asking, "Daddy, why do white people treat colored people so mean?"; when you take a cross-country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading "white" and "colored"; when your first name becomes "nigger," your middle name becomes "boy" (however old you are) and your last name becomes "John," and your wife and mother are never given the respected title "Mrs."; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing

what to expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodiness"—then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair. I hope, sirs, you can understand our legitimate and unavoidable impatience.

You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Because we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance it may seem rather paradoxical for us consciously to break laws. One may well ask: "How can you advocate breaking some laws and obeying others?" The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that "an unjust law is no law at all."

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority. Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an "I-it" relationship for an "I-thou" relationship and ends up relegating persons to the status of things. Hence segregation is not only politically, economically, and sociologically unsound, it is morally wrong and sinful. Paul Tillich has said that sin is separation. Is not segregation an existential expression of man's tragic separation, his awful estrangement, his terrible sinfulness? Thus it is that I can urge men to obey the 1954 decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong.

Let us consider a more concrete example of just and unjust laws. An unjust law is a code that a

numerical or power majority group compels a minority group to obey but does not make binding on itself. This is difference made legal. By the same token, a just law is a code that a majority compels a minority to follow and that it is willing to follow itself. This is sameness made legal.

Let me give another explanation. A law is unjust if it is inflicted on a minority that, as a result of being denied the right to vote, had no part in enacting or devising the law. Who can say that the legislature of Alabama which set up that state's segregation laws was democratically elected? Throughout Alabama all sorts of devious methods are used to prevent Negroes from becoming registered voters, and there are some counties in which, even though Negroes constitute a majority of the population, not a single Negro is registered. Can any law enacted under such circumstances be considered democratically structured?

Sometimes a law is just on its face and unjust in its application. For instance, I have been arrested on a charge of parading without a permit. Now, there is nothing wrong in having an ordinance which requires a permit for a parade. But such an ordinance becomes unjust when it is used to maintain segregation and to deny citizens the First-Amendment privilege of peaceful assembly and protest.

I hope you are able to see the distinction I am trying to point out. In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.

Of course, there is nothing new about this kind of civil disobedience. It was evidenced sublimely in the refusal of Shadrach, Meshach and Abednego to obey the laws of Nebuchadnezzar, on the ground that a higher moral law was at stake. It was practiced superbly by the early Christians, who were willing to face hungry lions and the excruciating pain of chopping blocks rather than submit to certain unjust laws of the Roman Empire. To a degree, academic freedom is a reality today because Socrates practiced civil disobedience. In our own nation, the Boston Tea Party represented a massive act of civil disobedience.