

## Resolving Ethical Dilemmas: a Guide to Success

The purpose of this document is to provide you with some tips for resolving ethical dilemmas. A sample dilemma is provided and the five steps in the resolution process are reviewed. Since you are resolving a dilemma, you must cast yourself in the role of **decision-maker**.

### SAMPLE DILEMMA:

*Two individuals are being sentenced for the exact same crime of burglary. You are the judge. One of the individuals is a 20-year-old who has not been in trouble before and participated only because the other individual was his friend. The second person has a history of juvenile delinquency and is now 25. Would you sentence them differently? How would you justify your decision either way?*

### Step 1: Review the facts:

Re-state the facts in narrative form in the first person, casting yourself in the role of decision-maker. Be sure to capture all of the facts, and do not change the meaning of any statement in the dilemma.

Example:

*"I am a judge tasked with sentencing two individuals for the exact same crime of burglary. One defendant is 20 years old, has not been in trouble before, and only participated because the other defendant was his friend. The second defendant is 25 and has a history of juvenile delinquency."*

Guidance for Step 1:

Before writing anything for step 1, study the dilemma to determine the facts, whether stated or expressed, and do not add or detract from them. Do not make assumptions! Assumptions lead to faulty reasoning and faulty reasoning will result in an unethical decision.

Realize who **the parties** involved are. In this case, there are you (the judge and decision maker), the two defendants, and the victim (expressed).

Here is a breakdown of the facts for better analysis. This is only an analysis for the purpose of providing you an example of how to think, *not how to write*, therefore, **do not write your paper like this; use the template and write in narrative form.**

Fact 1: *Two individuals are being sentenced for the exact same crime of burglary.*

Analysis: Two people committed the exact same crime. *Exact* means “not approximated in any way; precise, admitting of no deviation.” In layman’s terms, they did the exact same thing, together.

They are being sentenced (punished) for burglary, a felony (expressed fact). What is also expressed is that when there is a crime, there is a victim, and where there is a victim, there is harm (legal definition of harm). There is not enough information to understand the scope of the crime or the harm to the victim.

Fact 2: *One of the individuals is a 20-year-old who has not been in trouble before and participated only because the other individual was his friend.*

Analysis: You know it is a 20-year-old male and that his co-defendant is his friend. You know he has not been in any legal trouble before.

Fact 3: *The second person has a history of juvenile delinquency and is now 25.*

Analysis: Person number two has a history of juvenile delinquency which, when defined, means “a continuous, systematic narrative of past events relating to a particular person.” Simply stated, he or she was criminally active prior to the age of eighteen (age expressed) and has been crime free for seven years. He or she is also five years older than the co-defendant.

## **Step 2: Identify relevant values and concepts:**

First; you must first understand the difference between values and concepts before you can identify them in your dilemma. Values, by definition, are “*judgments of desirability, worth, or importance,*” while concepts are “*general notions or ideas; directly conceived or intuited objects of thought.*” Examples of values are honesty, respect, and duty, while examples of concepts are discretion, professional courtesy, and camaraderie. One may *value* a *concept*, but that does not make the concept a value.

Second; know that ethical dilemmas exist because one is forced to choose between conflicting values or concepts.

Finally, it is important to remember that all people have the value of self-preservation in common and the role that self-preservation plays in making a decision will depend on how altruistic or egoistic the decision-maker is. Nevertheless, since self-preservation will be present in every dilemma you will ever face in your life, it must be listed and explained in these assignments. ***Failure to identify self-preservation as a value and explain how it applies to the parties involved will result in points being deducted.***

It is important to identify values because they will serve as your framework for the ultimate decision you will make. Your values form your value system, which is what guides you toward

resolving each dilemma through the ethical system you are applying. You must also remember that there may be values *attached* to the ethical system you are using to resolve the dilemma.

In addition to self-preservation, select three to five additional values and at least one concept when completing these assignments.

**Some values to consider in this dilemma as they apply to the parties involved are:**

Self-preservation, duty, justice, fairness

**Some concepts to consider in this dilemma as they apply to the parties involved are:**

Friendship, harm, discretion, punishment, retribution

**Step 3: Identify all possible moral dilemmas for each party involved**

Morals are principles of right and wrong. When someone does something wrong, it may be considered immoral, and what is immoral is unethical. When someone does something right, it may be considered good, and what is good is ethical. Moral dilemmas may also be created by values and concepts that are in direct conflict with one another. For example, your desire to maintain your standing as a judge (self-preservation) may conflict with your desire to rehabilitate the defendants if the victims desire retribution.

When determining moral issues, it is important to remember that "morals and morality refer to what is judged as good conduct". In addition, consider that "morality is used to speak of the total person or the sum of a person's actions in every sphere of life". The issues you list may ultimately include the one you claim is the most immediate moral or ethical issue facing you (Step 4).

Moral dilemmas then, can be caused by wrong actions, be they yours or the actions of others. In this case, it is the wrong actions of others (crime of burglary) that have presented a scenario where different values and concepts (previously listed in step 2) are in conflict with one another causing a dilemma.

**Some moral dilemmas for each party to consider in this scenario are:**

Committing a crime is wrong and is, therefore, immoral. Is friendship a valid reason for committing a crime? Should one's juvenile criminal history affect how they are judged? Should the defendants be judged the same because the crime is identical or should their differences be taken into account? What moral dilemmas are present based on the degree of self-preservation present (altruism v. egoism)? How will you be perceived by the defendants? The victim(s)? The attorneys? Fellow judges? The public?

**Step 4: The most immediate moral or ethical issue facing you, the decision maker is:**

This is a brief, succinct statement that characterizes the most relevant information, does not

come to any conclusions, and does not overelaborate on the facts, values, concepts, and moral issues already identified in the first three steps. KEEP IT SIMPLE: For example:

*"The most immediate moral or ethical issue facing me as the decision maker is how to sentence two individuals who have together, committed an identical crime of burglary where their age, motive, and criminal histories are not identical."*

That's it...you're done with Step 4.

### **Step 5: Resolve the ethical or moral dilemma by stating the ethical system**

This is by far your most lengthy and detailed step. Your understanding of the tenets of the ethical system you use here to resolve this dilemma and how you apply those tenets given the facts, values, concepts, and morals you listed in steps 1 through 4 are what will be evaluated here.

In other words, you have already identified the facts, listed the most important values and concepts present, and identified the moral issues created by the actions of those involved as well as those created by the conflicting values and concepts. Now it is time to apply these to the tenets of the ethical system you are using and resolve the dilemma.

The final decision you make is not what will be graded; how you reach that decision, based on correctly applying the steps, will determine your grade.

**For instructional purposes, let's apply the teleological ethical system of utilitarianism to resolve this dilemma.**

Some tenets to consider:

"What is good is determined by the consequences of the action" (your decision)

"The morality of an action (your decision) should be determined by how much it contributes to the good of the majority"

"We should always act (decide) so as to produce the greatest possible ratio of good to evil for everyone concerned"

### **OPTIONS:**

1. You can decide that it is for the greater good to give them both the maximum penalty, regardless of their differences. If you do, you must articulate how the morality of that action contributes to the good of the majority and how it produces the greatest possible ratio of good to evil for everyone concerned.

2. You can decide it is for the greater good to issue different sentences because of their differences, but you must articulate how the morality of that action contributes to the good of the majority and how it produces the greatest possible ratio of good to evil for everyone concerned.

You can decide to rehabilitate them both instead of punish them, but you must articulate how the morality of that action contributes to the good of the majority and how it produces the greatest possible ratio of good to evil for everyone concerned.

3. Focus on the facts while relating the most important values and concepts to the tenets and address the moral issues created by the actions of those involved (and those created by the conflicting values and concepts).

### **CONCLUSION:**

As you can see, resolving ethical dilemmas is a step-by-step process. While this particular process may seem lengthy, people who make professional ethical decisions on a regular basis automatically take into consideration the steps listed here without thinking and often make sound ethical decisions in an instant.

Your task, however, is to follow the template and build up to your decision by listing relevant components (facts, values, concepts, morals, and moral dilemmas) and then the most immediate moral or ethical issue facing you (step 4) before you finally resolve it (step 5).

Just like a math problem, you've got to show me your work so I know how you arrived at your conclusion 😊