Systematic Moral Analysis
Questions for classroom discussions

1) How would you describe the process of systematic moral analysis described in the video? What are the steps involved in the decision-making process?

2) How would you describe your own process of moral analysis?

3) Why is it important to engage in a thorough process of conceptualization before justification?

4) What is the difference between justification and rationalization? Can you think of examples that highlight the difference?

5) How might personal beliefs or values affect the process of systematic moral analysis?

6) Imagine you are given the opportunity to borrow someone else’s work and you know it will lead to a higher grade on your assignment. What would you do and why?

7) Describe a situation in which you had to make a complex ethical decision. How did you think through the situation before taking action? If you faced the same situation again, what, if anything, would you do differently?
Case Study:
President Gerald Ford’s Pardoning of Richard Nixon

On August 9, 1974, Richard Nixon resigned the presidency in the wake of the Watergate scandal and the release of the ‘smoking gun’ tape that could have indicted him for involvement in criminal activity while president. Following resignation, many Americans were angry with Nixon and also suspicious of Gerald Ford as he stepped into the presidential role. Nixon soon became extremely ill; on August 15, he was admitted to Bethesda Naval Hospital and diagnosed with viral pneumonia. One account suggests he was admitted with a recurrence of phlebitis; Nixon had a history of phlebitis, which can be fatal even if treated.

On September 8, 1974, President Ford issued a full and absolute pardon of Nixon for all offenses against the United States, making Nixon immune from any arrest, investigation, or imprisonment from his involvement in Watergate. The pardon infuriated many Americans, and suspicions arose of a possible deal between Ford and Nixon in exchange for Ford’s prior nomination to vice president. All parties denied any such deal and no evidence in support of these allegations ever surfaced.

With the Watergate scandal consuming the nation, Ford signaled that he wanted to refocus the public and rebuild trust in the executive branch. He sought to move forward by concentrating on the nation’s problems, such as ending the Vietnam War, rather than spending his entire administration dissecting the activities of the previous president for years to come. However, as a result of the pardon, Nixon would never be held accountable for activity widely thought to be criminal.

President Ford also believed from reports and advisors that Nixon’s health was seriously compromised and that his death was likely imminent. In his speech announcing the pardon, Ford referred both to the health crisis of Nixon as well as his own personal constitutional duty to ensure domestic tranquility. At the time, it was impossible for Ford to realize that Nixon would eventually recover and live for twenty more years. Ford believed he acted in the nation’s best interests. The public vehemently disagreed.
Resources:


Discussion Questions:

1) How would you describe Ford’s process of moral analysis in this situation?

2) Should Nixon have been held accountable for his behaviors without regard for his personal health or the new administration? Why or why not?

3) While President Ford was clearly within his constitutional right to pardon Richard Nixon, do you think Ford’s decision was justified on ethical grounds? Why or why not?

4) Can you think of some alternatives to pardoning Nixon?

5) If you were in President Ford’s position, what would you do, and why? What would be your process of moral analysis before taking action?
Case Study: Covering Robin Williams

When actor Robin Williams took his life in August of 2014, major news organizations covered the story in great detail. Most major news outlets reported on Marin County Sheriff’s Lt. Keith Boyd’s press conference, which revealed graphic details from the coroner’s report about the methods Williams used. While there was great interest on the part of the public in finding out what happened, many argued that reporting too much detail about the suicide violated the family’s privacy.

Indeed, many of Robin Williams’s fans posted on Facebook, Twitter, and other social networks to express their objections to the media treatment of the suicide, urging reporters to respect the family’s right to grieve in peace. Several members of the mental health community also took issue with the detailed reports. Paul Farmer, chief executive of the mental health charity Mind, wrote to CNN that “When a media report describes clear details of unusual methods of suicide and essentially gives a “how to” guide—the danger is it can make suicide seem like a more accessible action to take.” Some journalists expressed similar viewpoints, criticizing the reports as a clear violation of media ethics. According to the Press Complaints Commission, “When reporting suicide, care should be taken to avoid excessive detail about the method used.”

Yet other journalists argued that the primary responsibility of the media was to report the story truthfully and factually. In an op-ed in the LA Times, Andrew Klavan wrote, “The manner of Williams’ death is public information. Journalists should report it as long as it remains of interest to the public. It is not a journalist’s job to protect us from the ugly facts.” Klavan argued that the journalist’s duty is not to do good or be wise, but to report the whole story, which may in fact be a part of a larger story unfolding elsewhere. Sheriff Boyd similarly defended his own actions by stating that he had a duty to report the details as part of the public record.

In an interview with Today, Williams’s daughter Zelda discussed how her father never sought to hide his problems, mentioning his openness about struggling with alcoholism. She stated, “I think that one of the things that is changing, that is wonderful, is that people are finally starting to approach talking about illnesses that people can’t immediately see...He didn’t like people feeling like the things that were hard for them they should go through alone.”
Resources:

Paul Farmer: What media got wrong on Robin Williams’ suicide
http://www.cnn.com/2014/08/14/opinion/robin-williams-suicide-media/

Douglas Chalmers: Newspapers got it wrong in their reporting of Robin Williams’ death

Andrew Klavan: Report the truth -- the whole truth -- on Robin Williams’ death

Robin Williams’ daughter Zelda on life without dad, continuing his charity work

Discussion Questions:

1) According to the video, systematic moral analysis first requires identifying the problems in a situation. In this case, who was harmed and how? You may reference the list of moral rules in the transcript of the narration below.

2) The second step of SMA requires asking who is responsible. Is Sheriff Boyd responsible? The journalists? Anyone else? How do their role-related responsibilities relate to the harm caused?

3) Third in the process of SMA is to consider whether or not the action can be justified. Do you think the role-related responsibilities of Sheriff Boyd or the journalists justified their actions? Why or why not? What alternative ways of reporting Robin Williams’s suicide would have caused less harm?

4) Finally, if you had been in the position of Sheriff Boyd or the journalists, what do you think would have been the ethically ideal action to take?

5) Would the journalists have harmed the public by not reporting the “whole truth?” In other words, were they ethically required to report the details, as argued by Klavan?

6) Do the media have a responsibility to report suicide differently from other kinds of news? What if it leads to more suicide? What if reporting these details would lead to more awareness for mental illness?

7) When someone becomes a celebrity, do they no longer have the same right to privacy? Are the moral rules different for someone who makes a career in the public eye?
Case Study: Digital Downloads

Copyright laws exist to protect authors’ and publishers’ rights, but also to balance that protection with access and innovation. In 1999, two teenagers created the file-sharing program Napster; within its first year the service surpassed 20 million users. Many Napster users shared music files with each other, but without any compensation to the artists and producers who made the music, sparking a series of legal battles over copyright and distribution. In 2001, an appellate panel upheld a previous ruling that Napster violated copyright laws, stating that, “Repeated and exploitative unauthorized copies of copyrighted works were made to save the expense of purchasing authorized copies.”

Artists were divided on the benefits and harms of Napster. Over 70 artists formed “Artists Against Piracy” in coalition with major record companies to combat the piracy occurring on Napster and other peer-to-peer internet services. In contrast, some established artists such as Neil Young saw piracy as the “new radio” and applauded the potential to reach larger audiences and drive additional sales through increased popularity. Seeing both the benefits and detriments of piracy, singer Norah Jones stated, “If people hear it I’m happy...it’s great that young people who don’t have a lot of money can listen to music and be exposed to new things...But I also understand it’s not ideal for the record industry, and a lot of young artists who won’t make any [money] off their album sales, but at least they can tour.”

Although court rulings forced Napster to terminate its file-sharing business, Napster’s innovations stimulated payment-based services, such as iTunes, Pandora, and many others. Yet the availability of such services has not put an end to the debate surrounding artist compensation with digital music, as seen with Taylor Swift’s open letter to Apple in 2015. Swift’s albums, along with the music of many other artists, were going to be streamed at no cost to new Apple Music customers over the first three months of service without any compensation to the artists. In her open letter, Swift stated, “I’m not sure you know that Apple Music will not be paying writers, producers, or artists for those three months. I find it to be shocking, disappointing, and completely unlike this historically progressive and generous company.” Within a few hours, Apple responded by changing the terms of its agreement in order to compensate artists at a reduced rate.
Resources:

How Taylor Swift Saved Apple Music  
http://time.com/3940500/apple-music-taylor-swift-release/

Napster: the day the music was set free  
http://www.theguardian.com/music/2013/feb/24/napster-music-free-file-sharing

Ashes to ashes, peer to peer: An oral history of Napster  
http://fortune.com/2013/09/05/ashes-to-ashes-peer-to-peer-an-oral-history-of-napster/

The Napster decision: the overview; appellate judges back limitations on copying music  

Shakira hits back at Lily Allen in illegal downloading row as she claims file-sharing 'brings me closer to fans'  

Discussion Questions:

1) Artists generally agree that piracy causes financial harm, but some artists recognize that piracy creates exposure for the artist and access for the listener. Do you think the benefits of piracy outweigh the harms done? Why or why not?

2) Along with other file-sharing services, Napster helped to stimulate payment-based services such as iTunes, Pandora, and many others. Do you think this positive outcome justifies Napster's illegal activities? Why or why not?

3) If Apple had not agreed to compensate artists in response to Swift's open letter, do you think it would be ethically questionable to subscribe to their service? Are you as a consumer more likely to subscribe as a result of Apple's response? Why or why not?

4) In cases of piracy it is difficult to conceptualize everyone affected. Which of the ten moral rules does piracy violate? Other than the artists, who else is potentially affected by piracy? Does a broader view of the people affected and harms caused change your opinion on piracy or not?
Case Study: Sacking Social Media in College Sports

See below for a link to a case study from The Texas Program in Sports & Media that explores the different ways in which coaches and universities have limited or banned the use of social media by their student athletes. This case raises questions about the processes that coaches and student athletes follow when managing their public personas. The full case study, additional resources, and discussion questions can be accessed through the link below, which will open a new tab at The Texas Program in Sports & Media website.

Link:

Additional Resources

The process of systematic moral analysis described in the video is predicated on moral rule violations, which result in harm to another person or persons. Watch our video *Causing Harm* to learn more about the different types of harms and when harm is justified.

Rationalizations can play a major role in the process of systematic moral analysis, often to defend unethical or questionable practices. Watch our video *Giving Voice to Values, Pillar 7: Reasons & Rationalizations*, which covers the ethics of rationalization and the role one's values can play to combat rationalizing.

Conformity bias refers to our tendency to take cues for proper behavior in most contexts from the actions of others rather than exercise our own independent judgment. Watch our video *Conformity Bias* and consider how the bias to conform may affect someone's process of systematic moral analysis in various social contexts, such as amongst friends, coworkers, or at home.

A person with one set of personal beliefs or values may approach systematic moral analysis differently than another person with a different set of personal beliefs or values. View our video *Fundamental Moral Unit* for a better understanding of how different peoples' ideological frameworks may affect their processes of systematic moral analysis.


Students know cheating is wrong, and that it’s a violation of school policy to smuggle notes into an exam, or to copy a neighbor’s answers. But what if a friend, who’s failing the class, asks you for answers to a test? Or if you see someone you don’t know cheating? Does it matter if you report it or not?

Systematic Moral Analysis – or SMA for short – is a tool that helps us think through ethically complex situations before taking action. And it can also help us analyze the ethical dimensions of a complex situation after the fact. Consider this scenario: Some people in your class got a copy of last year’s final. You know that at least half the class has already looked at the questions. Now, you’re offered a copy. What should you do?

The first step of SMA is conceptualization, which involves determining who might be harmed and how. If no one is likely to be harmed, then there’s no ethical problem. But how do we really know if we’re about to cause harm? Twentieth Century Philosopher Bernard Gert developed a list of 10 moral rules that can help us identify ethically questionable acts.

1) Do not kill
2) Do not cause pain
3) Do not disable
4) Do not deprive of freedom or opportunity
5) Do not deprive of pleasure
6) Do not deceive
7) Keep your promises
8) Do not cheat
9) Obey the law
10) Do your duty

If you abide by these rules, chances are pretty good that you’re not causing harm. But if you DON’T abide by the rules, it’s a signal that the situation calls for SMA.

So, if you decide to take a peek at the old exam, then you’re violating Rule #8: Do Not Cheat. According to Gert, cheating causes harm because “the cheater gains an advantage over other participants in the activity, by violating the rules that everyone is expected to follow.”
You’re also violating Rule #10: Do Your Duty. As a student in the class, you have a responsibility to abide by the rules that you agreed to follow that were set out by the professor and the university. You’re violating Rule #6: Do Not Deceive. Your professor, and anyone who reviews your transcript, will assume that you earned your grade honestly. You’ve misled them to a false conclusion. That’s deception. You’re also violating Rule #7: Keep Your Promise, by breaking the promise you’ve made to the university under the honor code.

And you’re causing harm to students who haven’t seen the old exam by violating Rule #4: Do not deprive of freedom or opportunity. You’re depriving them of the freedom, or, in this case, the opportunity, to have their work evaluated in an honest comparison with others in the class. They’ll be unfairly harmed by grade inflation caused by the cheating. So, clearly looking at last year’s test is ethically questionable.

The second step of SMA is justification, which helps determine whether breaking a moral rule prevents a greater harm from occurring or whether the harm you are causing legitimately addresses a more significant harm that was already caused. So, getting an “F” on the exam because you cheated is an example of you being harmed (failed) for causing a more significant harm (cheating). The goal of justification is to determine the action that 1) causes the least harm to others 2) can withstand public scrutiny and 3) would be ethically permissible for anyone in a similar situation.

So what if there were a publicly known rule that students should cheat whenever they aren’t likely to get caught? Well, this would threaten the integrity of the class and weaken the value of a degree from your university. It would also destroy the university’s ability to certify that students graduate with the knowledge that they need in their field. Ultimately, none of us could trust the surgeon about to operate, the banker managing our life savings, or the pilot flying the airplane. A general rule that allows academic cheating cannot be justified. And, if you can’t do something without making a secret exception for yourself, SMA tells us, “Don’t do it.”

The motivation to cheat – so that you avoid getting a bad grade – is NOT part of the moral analysis. The goal of SMA is to find actions that don’t cause harm to OTHER people. Still, if you decide NOT to take a peek at the old test, it’s reasonable to be concerned with losing out because you and others chose not to cheat.
SMA encourages us to consider alternative courses of action that would minimize harm. For example, you could tip off the professor anonymously and suggest that he consider re-writing the exam. Or you could ask the professor to distribute the old test to everyone in the class. That way, no student would have an unfair advantage. And, it would give everyone a chance to know what the professor thinks is most important.

Systematic Moral Analysis doesn’t provide one right answer, but it does help us fully evaluate a situation, think through possible courses of action, and avoid negative consequences that might not have occurred to us at the start.