### The Individual/Reflective Lens Conceptual Map

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Knowing others is intelligent;
knowing yourself is true wisdom.
Mastering others is strength;
mastering yourself is true power.

If you realize that you have enough,
you are truly rich.
If you stay in the center
and embrace death with your whole heart,
you will endure forever.

Tao Te Ching

Chapter 7
Rights/Responsibility Focused Ethics
The Individual-Reflective Lens

The first ethical framework
flows from a long tradition
of ethicists who focus on
the decision maker’s rights and
responsibilities. Drawing upon the
idealist traditions of Plato, St. Augustine, and Luther, the earliest theorist in
the modern era who focused on the duties of the individual is Immanuel
Kant [1724-1804]. As the history of modern ethics has unfolded, Kant is the
philosopher most people name as the theorist who marks the beginning of
the Age of Enlightenment as well as the voice which determines the
trajectory of the deontological tradition in the Modern Era.
Working from the central concept that the ideal for ethics is to find the core rules by which we should live, the individual-reflective frame requires that each of us determine for ourselves what rights and responsibilities we have as adults in community. Kant and other Enlightenment philosophers broke from the Medieval traditions where the church, or some other authority, defined the rights and responsibilities for each person. Thus, they resisted being seen as one of many and demanded to be seen as an individual, a person who had individual rights and responsibilities – just like every other person in the community. Of course, it has taken more than 250 years for every person to be given those rights. But the theories of Kant provided ethical ammunition for the abolition of slavery, the emancipation of women, equal employment opportunities for all, and currently in the quest that homosexuals have for full inclusion and rights in the community.

The other major shift heralded by Kant’s approach was using the tools of reason (and by implication the scientific method of testing assumptions) rather than the authority of scripture or proclamations of the monarchy or church, to determine the validity of any particular ethical principle. This shift laid the groundwork for the end of the notion of the divine right of kings as well as the eventual separation of church and state.

As with any enduring writer, Kant engages us in the perennial conversation about duty and inclination (or preference), obligations and virtues – in short, what emphasis is to be given to the various strands of thought which weave together to make the tapestry we call ethics. Although Kant’s theories may not get us to universal truths which will hold for all people, the template he laid out for determining individual rights and responsibilities endures. As the tradition has matured, various ethicists such as W.D. Ross [1877-1971] have proposed a definitive list of duties. Even though all may not agree with the specifics of any given list, the reflective process by which we determine what core principles should govern our life remains fresh and relevant.

As we use the tools of the individual-reflective template, we can use our mind and the tools of reason alone to consider what rights and
An ethical act is one which fulfills the rights and responsibilities of the agent.

A moral person is one who does the right thing with care and concern for the other person.

The crucible of spirituality allows us to discipline our desires to find balance and joy in life.

**Characteristics of the Rights/Responsibility Based Theories (Individual/Reflective Lens)**

*Definition:* An action is ethical if I fulfill my obligations, “do the right thing,” and/or follow a fair process in taking the action. The focus is assuring that the means used to achieve our goals are appropriate, not whether the goal is ethical. Whether an act is ethical or not depends on the motive for acting and is separate from whether the result is desired.

A moral person is one who carries out his duty with care for the other person. Thus, as we fulfill our duties, act responsibly and exercise rights, we need to always remember that others are also persons with intrinsic human dignity. As we treat people with care and respect, we can carry out our duties with integrity and grace.

As we seek balance within the crucible of spirituality, we can discipline those desires which can lead to asserting rights which are not appropriate and shirking our responsibilities to find joy in our work and community.

*Questions for determining right action:*

- What are my motives in advocating for one solution rather than another
opportunity?

- What ethical principles are present in the conversation?
- Which of these principles should take priority and why?
- What are the criteria for determining which principles should take priority in this particular situation?
- How does this decision protect individuals from unwarranted interferences from government and/or other people in the exercise of that right?
- How does this ordering of principles demonstrate a caring attitude and respect for others?
- How does this ordering of principles assure that I have held myself accountable for my reason for acting?
- How does this ordering of principles contribute to balance and joy in my life?

Values which flow from these theories:

- Life and safety: Individuals have the right not to have their life or safety unknowingly and unnecessarily endangered.
- Truthfulness: Individuals have a right to not be intentionally deceived by another.
- Privacy: Individuals have a right to do whatever they choose outside of working hours and to control information about their private life.
- Freedom of conscience: Individuals have a right to refrain from carrying out
any order that violates those commonly accepted moral or religious norms to which they adhere.

- **Free speech:** Individuals have the right to criticize conscientiously and truthfully the ethics or legality of organizational actions so long as the criticism does not violate the rights of other individuals within the organization.

- **Financial transparency:** Individuals who invest in companies and others to whom the firm has a fiduciary duty have a right to fair, accurate reflection of the financial health of the firm.

- **Right to contract:** Individuals have a right to enter into contracts according to the terms that each party to the contract find agreeable.

**Nuances of theories of morality:**

Nel Noddings in her seminal work, *Caring*, asserts that the source of moral behavior is twofold: a sense of caring directly for the other and a sense of feeling for and with our own best self, one who may accept and sustain the feeling of being cared for. In describing the ideal, Noddings states that we move toward “our best picture of ourselves caring and being cared for.” In response to being cared for by others, we then commit ourselves to acting on behalf of the one for whom we care. We learn to care for others as we notice that concrete situations of caring and being cared for are good. Noddings and others in this tradition argue that as we care for others we are acting from a universal ideal: maintenance of the caring relationship.

The theories of morality also call us to responsibility. Hans Jonas and other advocates of the common good note that since we as humans have the power to destroy the environment and other nations, we must carefully consider the ramifications of our acts. Jonas asserts that we must consider public policy as well as our individual responsibilities when we act, because our actions can affect the very existence of our planet and civilization. For example, as we soberly realize that scientists have demonstrated that the
climate changes which come with global warming are the result of human action, we must carefully weigh the goal of productivity and economic growth against the possibility of leaving our great-grandchildren a legacy which is on a trajectory to extinction.

The crucible of spirituality:

Many people ask whether it is possible to delight in our work, to find work which has meaning and is satisfying. One of the problems with a Kantian approach to life is that we can do the right thing, care for others, and still be miserable. Sometimes our work becomes so segmented that we have no sense of how it fits into the whole or how it makes a shred of difference in our world. Many times we take on more and more responsibility at work which leads to our lives being out of balance, putting more of our heart and soul into our work than our family or community life. As we learn to discipline our desires and find what is really important, we can put our seemingly conflicting responsibilities into perspective.

A common refrain among my students is that they don’t want to see their work as a life sentence, as they perceive their parents’ did. Thus, they seek some way to find joy in their work. This anecdotal evidence was born out by the research of Nash and McLennan who found that [people] “want to live a life of meaning, they want to be more effective at problem solving, they need connection to other people; through it all they optimistically assume that in discovering this sacred, authentic self, they will find that it can be a rather noble self.”

For some the choice is to follow their own heart’s desire in selecting their careers rather than living out expectations of their family. Others look for ways to serve rather than trying to climb to the top of an organization or make as much money as possible. Still others find meaning and satisfaction as they are caring and civil to those in their workplace. Others find happiness as they make the lives of their co-workers a bit easier as they work together to accomplish the goals of the organization.
The first question that writers in this tradition ask is what actually makes us happy. If the goal of life is to love and to work, as we find work which satisfies us, we can be happy. John Eldredge states that “[d]esire, both the whispers and the shouts, is the map we have been given to find the only life worth living.” Roland Rolheiser reminds us that “[s]pirituality is, ultimately, about what we do with that desire. What we do with our longings, both in terms of handling the pain and the hope they bring us, that is our spirituality.”

David Whyte is a poet who began looking at the intersection between spirituality and the corporate life. He asserts that if we try to plan our lives, the young innocent heart of desire may turn all of our efforts to naught. Whyte found in his work that if our desire is not given its due, “our personalities can work all the hours God sends to no avail, pushing water upstream on a project which is destined to die no matter what we do...[t]he unawakened yet youthful soul is so entangled with the world and so physically alert...that it need not to keep track of every detail in order to find its way in the world.” As Whyte describes the intersection of the wily mind and the innocent soul, when we are following our heart’s desire he finds that we work out of “sheer joy,” that which we love giving us the energy to do the hard work. Thus as we find ourselves in the crucible of spirit, we can “make an equal place in the psyche for both strategy and soul.”

The second question writers in this tradition ask is whether we are willing to become sufficiently disciplined to know ourselves and reach our heart’s desire. As we engage in the individual/reflective process, we have to be ruthlessly honest with ourselves. We have to develop habits of awareness to avoid “excessive self-preoccupation” and “excessive focus on work, achievement, and the practical concerns of life” which can drain us of all our energy. Thus, our spirituality at work is the way, the “disciplines,” by which we “both access that energy and contain it.” We have seen many good business people who, unable to contain the drive for power and greed, wound up self-destructing, often taking their companies with them. In the American culture where the mantra is often “He who dies with the most toys
wins,” learning self-discipline as we follow a path which makes our heart sing feels counter-cultural. Our mentors on these paths are few. Yet, if we look carefully we can find those people who have been able to live a life where they have meaning in their work and satisfying relationships without getting seduced by power or sidetracked by greed.

**USING THE RIGHTS/RESPONSIBILITY TEMPLATE**

Kant and Ross invite each of us to consider what rights and responsibilities we have as individuals in community. When we have to choose among good options, this process helps us identify and prioritize competing values.

The theorists at the beginning of the Age of Enlightenment asserted that individuals as individuals have the right to self-determination. Ironically, the notions of autonomy were grounded first in the Protestant Reformation. As Martin Luther protested the abuses and excesses of the Holy Roman Empire, he asserted that individuals could determine for themselves what scriptures said and thus they were responsible before God alone for their salvation. A corollary to spiritual self-determinism was that people could also decide for themselves how they were to be governed. The work of early Lutheran lawyers and policy gurus laid the foundations for the theory of social contract where each of us has the right to negotiate with each other to determine the shape of our community.\(^\text{12}\)

The source of individual rights for the theologians was the belief that all persons are created in the image of God and thus are entitled to being treated with respect and dignity. This theme was carried forward in the Protestant tradition by theologians such as John Calvin and Richard Hooker. Theologians such as St. Ignatius Loyola who were part of the Catholic counter-reformation articulated many of the same themes.\(^\text{13}\)

Philosophers asserted that we have individual rights and the right to self-determination because adults, unlike children or the animals, have the ability
to reason. Those agitating for equal rights for women and the abolition of slavery (as well as those committed to the goal of universal human rights today) used the core belief of the ability of humans to reason as the primary persuasive tool. Those in power (in the United States free white males) made the argument that because women and Negroes lacked the ability to reason and to be taught, they should not be granted the political and economic autonomy they sought. Those who were charitable considered women and slaves as children who needed protection; those who were uncharitable considered, particularly the slaves, non-human and thus not entitled to any rights. Ironically, at the same time that slave owners, in particular, asserted that their slaves could not reason, laws were passed prohibiting teaching any slaves to read or write. 14

A tight corollary to rights are the responsibilities we embrace. The gift of self-determination means that we also are entitled to all of the consequences which come with that gift, including not being able to blame anyone else for what happens to us. If, in fact, we are able to exercise our rights of political autonomy, we get (in the words of political pundits) what we deserve. If we can make our own choices about our economic well being, then we get whatever goods come to us as a result of our actions. Thus, we cannot demand more from others to make up for the shortfall of our own resources: rather, we need to work harder, make better bargains, or be content with our lot in life. The freedom to both succeed and fail that comes when we embrace the notion of individual rights and responsibilities gave rise to the wonderful pithy folk exhortation – you made your bed, now sleep in it.

At the end of any analytical process, we have to explain why a particular option was chosen and why others were not. The following set of questions helps us identify the rights and responsibilities which govern our ethical choices. As we become more skilled, the analysis will become easier and we can begin to identify the core values which, for us, trump other competing values. However, even when we think we know the answer to the question, the discipline of working through the process can help clarify our thoughts.
To help understand the process, an abbreviated version of a real problem will be given in a set of text boxes. The particular problem which will be used in all four of the theoretical chapters came from an actual ethics committee for a Preferred Provider Organization, a healthcare network, working through an issue involving whether or not to disclose to patients that if they tested positive for HIV, their names would be placed on a registry with the state. After you look at the problem four times, the answer will be obvious. However, the committee debated for over an hour as it worked through the problem from every angle. In each of the chapters, an abbreviated version of the analysis will be presented in the text. These examples will give you a flavor for the tools of each theory.

*Step 1: Be Attentive*

A. **Identify the ethical actor.**

The ethics committee of a PPO is charged with setting protocols for all of the physicians who are part of the group.

The first step is to determine who is responsible for making the decision. As we begin to identify with the ethical agent who is responsible, we should remember that for this analysis we will focus on the rights and responsibilities of the various individuals who are affected by our choices, the constituents. In a community which values freedom, we are able to claim certain prerogatives in our community because we are an autonomous agent. Remember that our reasons for acting, in this case our motives, will be one determiner of the right action.

B. **Determine the stakeholders.**

The next step is to identify the constituents – the people who will be affected by the decision. As we consider the constituents, we need to attend to the agreements among the various parties. As this lens presumes that individuals with equal power will be negotiating with others who also have autonomy,
the contracts between the parties help determine the ethical obligations. Often the agreements are explicit: price set for goods, certain number of hours to work. Just as often the agreements are implicit: grading papers fairly, treating all students alike. In a financial setting we expect the information on balance sheets to be accurate and complete without entering into an additional agreement.

In completing this step we must examine both sets of agreements with each constituent and determine what our responsibilities are to each. How we feel about the constituents is irrelevant. The strength of the process is that we do not make decisions based on whether we like another person or not or whether we feel like doing a particular act or not. The litmus test is whether we are following the “maxim,” the required principle for acting.

As Kant sorted out our responsibilities to the various constituents, he asked us to consider whether (1) the duties are perfect or imperfect and (2) whether we are assisting people in making the best decisions they can. Many ethicists distinguish between perfect duties, those we have explicitly agreed to undertake, and imperfect duties, those actions which we could take but are under no obligation to do so. For example, a physician only has an obligation to those patients he has agreed to treat. Even though many may need help, until the physician has taken a particular person on as a patient, she only has an imperfect duty to the general public.

As ethical actor, our primary duties are to those with whom we have express and implied agreements: we have a prima facie ethical obligation to honor the terms of our contracts. Often, however, we also owe a duty to people with
whom we are not in direct contractual relationship. Thus, companies who trade on the stock market have what has come to be called a fiduciary duty to make sure the financial information is accurate. The duty, which arises out of an obligation of trust, flows to both those who sell and buy stock. We may also have an obligation to those with whom we are in relationship because of the social contract we have with each other not to act in a way which will adversely impact our ability to live and thrive. For example, a company has a duty as a citizen not to put toxic materials into the air or water in order to assure that members of the community don’t become ill because of the toxins in the environment.

Each successive level of duty – those with whom an actor is in contractual relationship, those who will be directly affected by the action of the company, and those who are indirectly affected by the action of the company – moves along a continua from perfect duties to imperfect duties.

C. Attend to the context.

As the Enlightenment philosophers established the primacy of reason over tradition or emotion, Kant spent much of his time exploring the role of reason in determining the shape of the “law.” Critique of Pure Reason, one of Kant’s seminal texts, asserts that through reason we can discover the universal principles of life, the ethics by which we should all live. Thus, if “an action is really moral, it will not only accord with a law; it will be done because a law is acknowledged as absolutely and universally binding...it will be...‘ethics based on pure reason’.”

In arguing for using reason as the final arbiter of what is right rather than personal inclination, Kant is aware of the fact that various people have different skills and interests. Kant taught that we have a responsibility to help others develop their own skills of analysis which would lead to autonomy. He also instructed that we should not act from our passions, our emotions, as those can be misleading. One of the most troublesome examples that Kant gives of this concept is when he asks whether a husband who loves
deeply an invalid wife and thus cares for her is more or less virtuous than a husband whose love has become cold and who nevertheless stays with her to assure that she receives the care she needs. Kant asserts that the one who stays from duty is more ethically meritorious than the one whose actions are motivated by love. While many may disagree with that particular example, Kant expects that we will carry out our duties even though it is not comfortable, convenient or financially advantageous. The ethical person lives by the principles, or maxims, which reason reveals.\textsuperscript{16}

Kant argued that through reason we could find the universal principles of life which would guide our actions. While Kant’s claims are subject to much critique, asking the questions demanded by the categorical imperative helps us determine the overarching principles of life which form our core personal values as well as those of our community. The principles are then applied to the specific situations to determine what we should do. In specific situations the cultural context can be considered, though the context itself should not drive the final choice.

\textit{Step 2: Be Intelligent}

A. \textit{Pinpoint the Issue.}

What central problem is to be resolved? As we phrase this issue into a question, we need to focus on the conflicting rights and responsibilities which are present. This lens asks each of us to be a fully functioning adult. Thus the issue often brings into sharp relief the behavior that is expected of adults in our community.

B. \textit{Explore the values in conflict.}
Values in conflict:
The two values in conflict are autonomy and predictability or safety. Patients have been told that their relationship with the doctor is confidential, thus we want to assure that we maintain the privacy of our patients. The patient-physician privilege is important to the medical profession to assure that the physician gets full information prior to beginning treatment. On the other hand we want to assure that a highly infectious disease does not spread further. Our commitment to the community requires that we do all we can to minimize the spread of disease.

In a Kantian setting, conflicts can arise on several fronts. We may have conflicting duties with different constituents. For example, we may have a duty of loyalty to one person which would preclude meeting the requirement of truthfulness and integrity with another person. We may encounter a person who asserts rights but doesn’t embrace the accompanying responsibilities. As Kant encourages us to assist others in becoming responsible adults, he would expect us to hold those persons accountable as each of us is to act responsibly. Further, Kant would probably not raise an eyebrow if we found ourselves upsetting people with whom we are in relationship in order to meet our obligations. As we meet the requirements of the categorical imperative, people who expect favoritism will most certainly be annoyed.

C. Identify options for action.

Options for action:
1. Tell the patient about the reporting requirement before doing the blood work.
2. Do not tell the patient about the reporting requirements before doing the blood work.

The next step is to identify the options. Clearly one can choose whether or not to carry out an action. More problematic and interesting is finding middle ground solutions, those which meet more of the core values of the parties and those which move to systemic solutions rather than individual resolutions. Also, working through an analysis which appears on its face unethical is intriguing. Sometimes those options which appear to not meet any of the requirements of the template are the best.
Reasons for acting:

1. The reason for making full disclosure before the blood work is to assure that the patients are fully informed of their options and the consequences of choosing blood work should they test HIV positive.

2. The reason for not disclosing is to assure that those who are HIV positive are identified and receive proper treatment. If people know about the testing requirements, they may choose not to be tested and thus infect other people.

Step 3: Be Responsible

A. Hone critical thinking skills: determine the reason the ethical agent would choose this particular option.

For Kant, the point of critical inquiry was to honestly articulate the reason for acting. To begin the process, we are asked to determine the motives we have for choosing each option. Kant believed that by examining our reasons for acting we could determine our rights and responsibilities and begin to formulate key principles for life. When considering our reason for acting, it helps to think in terms of the different values in the core value clusters. Is the reason for this option so people will have autonomy, full information about the choices they are going to make? Is the reason security, to make sure the organization’s resources are used appropriately?

As Kant explains the notions of the categorical imperative, reason will help us determine the right act. The universal rule which is identified through use of the categorical imperatives is an imperative because it is a command of reason, a command which tells us what we “ought” to do. A categorical imperative is one which directly commands a person to engage in certain conduct which is objectively necessary without reference to any other purpose or end. For example, a categorical imperative would be to respect human life, even if the end or the purpose might result in the abolition of the death penalty or the cost of a product being increased in order to assure that it is safe.

Kant contrasts the categorical imperative, that which we do because our reason tells us the act is our duty even if we don’t like the results, and the
hypothetical imperative, that which we do as long as we like the results that we get. An example might be a company who manufactured baby clothes with a coating that was supposed to retard flames. After testing, the company discovered that the product did not retard flames at all, but rather increased the likelihood of the sleepers catching on fire. The product could not be sold in America because of the laws concerning safety. However, the laws of Europe did not restrict the sales.

If the categorical imperative tells us that we should always act in a way that respects human life, then the company would not sell the product in Europe, even though it could. If we were operating against the hypothetical imperative, the ethical rule might be that I will act in a way that respects human life as long as the financial consequences aren’t too high and I don’t violate the law (or won’t get caught). Selling the baby clothes in Europe might pass the hypothetical imperative, because the financial consequences for not selling the clothes are high and no law prohibiting the sale nor establishing liability exists in Europe.

In framing the reason, work to get to the “highest” reason possible, a reason that would reflect the best of human action and understanding. If my reason for hurting you is to watch you squirm in pain, the action would be, by definition, unethical. Most of us are unwilling to be hurt by another person so that person can watch how we respond to pain. However, if I am a physician and to remove a tumor I must also inflict physical pain, the reason for inflicting pain would be to assure greater health and preserve life. I am generally willing to let a physician inflict pain in order to assure that I have greater health. Thus, that reason for hurting another would pass ethical muster.

From time to time people in charge want to say “the reason is because I said so and I’m in charge.” As we decide how to use the prerogatives of authority, we need to be careful. Using authority and loyalty as reasons for acting will chill any conversation about the best reason for an organization to act and will discourage others from engaging in their own reflective
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process.

C. Apply the ethical content:

To apply the ethical content, we ask four questions which are embedded in Kant’s categorical imperative and Ross’s prima facie duties. These questions will help us sort through the competing rights and responsibilities which individuals claim because they are a member in the community.

1. First Question: What would happen if everyone adopted this reason for acting?

As Kant developed his theory, he articulated two categorical imperatives which would assist us in finding the principles by which we should live. The first categorical imperative is:

Universalizability: The person’s reasons for acting must be reasons that everyone could act on at least in principle.¹⁸

The notion is that as we reflect using the tools of reason, we should only adopt maxims which are not inherently self-contradictory. Notice that Kant does not ask whether the action makes us happy or comfortable. The question is whether the reason for carrying out the action is a reason that we would be willing to have every person act upon. Kant calls us to live consistently: The maxim may not meet our personal preferences, but being comfortable is not the test.

Universalizability requires that a person’s reasons for acting must be reasons

Universalizability

1. Everyone could adopt the reason for making full disclosure, in actuality and in principle. If we know all of the ramifications of our choice before we act we can make sound contracts and agreements.

2. Everyone could also adopt the reason for not disclosing, in actuality and in principle. If we know that a person may not be giving us all the information, we can ask questions which will give us the information that we desire. A presumption with this option is that even though disclosure may not be voluntary, the physician will give the truth when asked.
that everyone could act on, at least in principle. The call to universalizability challenges us to consider those universal rules which all persons can follow without the rule becoming inconsistent. Kant illustrates this maxim by asking whether if, when we have our back to the wall and we don’t like the anticipated consequences of telling the truth, we can make a promise that we don’t intend to keep.

As Kant explores this situation, he concludes that we would not be content if everyone operated on the rule “I will make promises but only keep them if it turns out that the consequences are consequences that are acceptable.” Kant rightly notes that the proposed universal rule would destroy itself as soon as it became the law: if I keep only those promises which turn out to have good ends, no-one will know whether or not my promise would be kept; the whole idea of promises would dissolve.19

One could choose for the rule “When I make a promise, I will keep it regardless of whether the anticipated or unanticipated consequences are those which I prefer” to be universal. Thus, everyone would keep promises once they were made. The popular version of this rule is seen in the notion of business by handshake. The highest compliment of a person’s integrity in our community is that a complex deal is discussed and sealed with a handshake – and then honored. If upon later reflection, the market changes or the legal situation shows that parts of the deal may not be advantageous, the person’s word is her bond. The person does not try to use legal loopholes to escape the obligation that was made.

As Kant laid out the criteria of what he called universibility, he invited us to move into systemic thought rather than just look at the impact of our decision on ourselves. While we are relatively certain that no reason for acting will ever be acceptable to all people in all cultures, asking this question helps us think about overall systems not just the act.

For example, if we have superior knowledge in a situation, we may be able to use our position of power to press an advantage against a client or
customer. The question becomes what happens if the power of knowledge is consistently used to take advantage of others. The result in American culture is lack of trust, increased transaction costs, and lawsuits. If a business person has a reputation for always being a sharp dealer, then every transaction will be carefully examined by lawyers and accountants to make sure no advantage is taken, which drives up transaction costs. The next result is an increase of litigation because we don’t trust each other. Thus, rather than each of us taking individual responsibility for a deal gone sour, the one taking advantage of power will quickly blame the other person for the bad result.

While acting from superior knowledge and power might be a compelling reason for acting, we need to consider what would happen if every one drove an advantage in a negotiation based on superior power and knowledge. A recent example was seen as EchoStar filed a lawsuit against CBS for what it considered “extortion” for the price to be charged to carry the station in areas where CBS did not have local affiliates. The line between strong market power and coercion is fine. Living on the edge of that line may cause overall systemic damage which may mean that pressing an advantage because you can may not ultimately be a good way to do business.

2. Second Question: Am I willing to have someone else use this reason in deciding how they will treat me?

The second part of the first categorical imperative is:

Reversibility: The person’s reasons for acting must be reasons that he or she would be willing to have all others use, even as a basis of how they treat him or her.20

Thus, the second litmus test when considering the reason for acting is whether we would be willing to have another person use the reason under consideration in how that person treated us. We get to decide whether or not we would be willing to have another person use that reason in how they treat us. If we articulate a reason for acting and are not willing for someone to use
that reason in how they treat us, then the option is by definition unethical. Reversibility is a variation on the Golden Rule. We tend to say that we are to treat others in the way that we would want to be treated. If we are not careful, however, we focus on the result of the action rather than the reason for the action.

An example of this principle in action comes as we look at people treating some people differently than others. In deciding who is going to get a particular contract, would I be willing for the reason that a contractor signed a deal be that the contractor felt more comfortable playing golf with one vendor rather than me? Given that the social aspect of business is important, would I be content with the reason for someone else receiving a contract being that the contractor wanted to assure that the vendor was a person who not only had an appropriate product but was also socially acceptable. Or am I willing to have the reason a contract is denied to me be that the contractor had always done business with the family of the one who got the bid?

Many of us who seek competitive advantage are willing to use whatever tools and resources we have to get a contract. If that means being cheerful when we are crabby or social when we want to be alone, we would try to meet the needs of the contractor. However, in the final analysis, most of us want to be judged according to the requirements of the contract. Most of us would prefer that the reason for contract going to another person be that the product or price is better, not that we play golf badly, are a boring dinner companion, or that our parents are not members or the right – or any – county club.

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Consider: A person who you believe is a friend and who has promised to help you, turns on you and cuts you with a knife. What is the reason for the act? Ethical or not ethical?

Contextual key: Is your friend a physician?

Many students miss the point of this step of the process by focusing on the result of the action rather than the reason for the action. Kant never expected people to necessarily like the result of the action – they just had to be willing for others to use that reason in how they were treated. For example, when I ask someone a question, I have to decide whether I would prefer the unvarnished truth or a polite lie. Given that I make decisions about what I am going to do based on accurate information, I would welcome hurtful information if the reason for giving the data is to assure that my information is as complete as possible before a decision is made. If the reason for the hurtful information is just to make me feel badly or retaliation, I would prefer that the person keep her counsel.

This step of the process is very black and white. If I am not willing for the reason to be used in how I am treated, then the option is not ethical. Once the motive for acting is determined and the test of reversibility is applied, the path of action becomes clear.

3. Third Question: If I adopt this option, am I treating people the way they have freely consented to be treated? Am I assisting them in their own process of becoming fully functioning adults who can make their own choices?

This question asks whether we are acting from selfish reasons alone or to fulfill our duty to another. While Kant expected people to examine their motives and follow their own lights in determining individual rights and responsibilities, action always is taken in community. Thus, if I have to cause you misery in order to fulfill my duty to you and others, then the action would be ethical. If I have to have a deadline for accepting papers to meet my obligation to the university and other students and I refuse to accept a paper after that deadline, then my reason for acting is not just for the selfish
The second categorical imperative states: An action is morally right for a person if, and only if, in performing the action, the person does not use others merely as a means for advancing his or her own interests, but also both respects and develops their capacity to choose freely for themselves.\textsuperscript{21}

Kant was absolutely committed to the notion of autonomy and the value of the human person. In making this point, Kant talked about the difference between everything having a “price” or having “dignity.” Kant asserts that if we treat people as means to our own ends, we assume that people are interchangeable commodities who do not have dignity or value in themselves. If, however, we look as people as ends in themselves, we accord them dignity and respect, regardless of their monetary worth.

This tension is seen poignantly in the health care debate. When a child is born at 26 weeks of gestation, six weeks before full term, what resources should be used to keep that child alive? If the child has dignity and value as a human person, then the life of that person should not be measured in terms of how expensive it will be to preserve life. However, we also know that using the technology we have available – very expensive technology – the prognosis for the person ever being able to mentally and/or physically be independent is very grim. Many of those infants who survive have diminished mental and physical capacities which are not only a drain on the health care resources of the community but also profoundly affect the lives and resources of the family and other members of the community. Does
treating that baby as a person in his own right require using every available resource to keep that person alive? Or would treating that baby with dignity be the way one of my students was treated. She was born several weeks premature. Her grandmother wrapped her in a blanket, placed her in a shoe box by the fireplace and waited to see if she would breathe and survive. The thought was that if the baby was strong enough to survive, they would feed and care for her.

We also see this tension in how people are treated at work. Many times it seems that employers really don’t care about us as people, about the totality of who we are as full human beings. Thus, many people believe that they are being treated as “means” for the employer to make lots of money rather than as “ends,” people who have value as human beings. If someone else can do the job more cheaply, perhaps an immigrant, a non-documented worker, or one who has less experience or qualifications, we are replaced – like cogs in a machine. Of course, if we shift the vantage slightly to consider our obligation to assure that others who are very poor have an opportunity to have an income, the act may in fact turn out to be ethical. For Kant, the reason becomes key in making the distinction between ethical and not ethical.

This problem is amplified in that employees who embrace their role as an agent for the company tend to see their interests as the same as the employers and thus don’t notice the pattern. Without thinking systemically, we identify with the owners, the stockholders, of the businesses who are our employers rather than see ourselves as a worker in solidarity, a person with the same interests, as other workers. Often our concern is first “preserving shareholder value” which usually translates to giving the workers as little as possible while encouraging them to be as productive as possible. The categorical imperative becomes an interesting lens: are we willing to be fired or to take lesser compensation because others are willing to do the same work for less?

My personal discomfort about this tendency was eloquently explored by
William F. Lynch, S.J., in *Images of Hope* when he asserted that:

The usual form of citizenship created by these exclusive cities of man is that of the ideal or the beautiful self we have earlier described. But the form of citizenship created by the technological cities of exclusion is that of the useful self... Only the useful part of the human self gets into the kind of community we will describe by the name of formal or mechanical organization.22

Lynch goes on to describe, using the work of Christopher Argyris, a leading management theorist, as his foil, how American management theory glorifies strategies where managers assure that the worker is convinced that any discontent is the problem of the worker and not the nature of work which is provided by the firm. Lynch asserts that “[i]n addition to the usual charges that workers are lazy and lack goodwill, those on top respond with every measure save the kind that will nurture responsibility, autonomy, and, I would add, the good taste of the human self.”23

Troubled by Lynch’s indictment of American business, I began probing to see whether my students had bought into the notion of the “useful self” as the ideal for the business world rather than the “beautiful self.” One telling exercise came as I was exploring the notion of gratitude and trying to dispel the notion of the “self-made person” with my seniors in a seminar on Economic Justice.

I asked my students to list all of the people who were responsible for them being in class that glorious September day. They listed parents, former teachers, and mentors in the community. One student even went back to the Mayflower and was grateful for his forebears who crossed the stormy Atlantic. Not one of them listed the people in the cafeteria who made their breakfast, the cleaning staff who assured that the room was vacuumed and the boards were washed, the grounds keepers who mowed the lawns and tended the roses, the library staff who facilitated the research for the paper due that day. To my students, all of the people who were necessary for their
success at school were in fact faceless *instruments* – valued only for the services they provided, people who were a means to the end of an education and a diploma.

Conversations about the right treatment of workers, conversations which began with an invitation to actually *see* those who provided the infrastructure for our success, often are quickly marooned on the shoals of relative ethics, an unintentional fallout from the nascent postmodern ethos which seemed to permit students to embrace the philosophy that “anything goes” as long as I am able to autonomously seek my goals.

This conversation leads to the next implication for Kant’s theory, the sanctity of contracts. One of the ways that we treat people as ends is by treating them in the way they have freely consented to be treated. Thus, if you and I negotiate on the price of my services or the goods I am selling, once we have agreed, no one else should be able to second guess the contract. This understanding of contracts presumes that we have roughly equivalent market power and have the ability to walk away from a contract. In reality, many people do not have that kind of market power and thus an inquiry into fundamental fairness, justice, becomes important.

A preliminary step in determining whether we are treating people as they have agreed to be treated is determining what the agreements we have with each other, which was part of the work in setting the context. So we must examine the implicit and explicit agreements with each constituent and determine what responsibilities we have to each. A corollary to the agreements is whether in making those agreements we acted in good faith and did not abuse our power. Acting in good faith requires that we give people the information they need to enter into fair, appropriate contracts. If we keep information from each other, we cannot make good agreements. Not abusing power means that we must be sensitive to forced agreements, where in truth people cannot make good choices. We are fond of saying that we embrace the notion of contract at will, that employers can lay us off when they desire and we can leave when we wish. However, we know that for the
vast majority of workers, finding a job is much more difficult than replacing them. Thus, especially in a non-unionized setting, employers have a great deal more market power than employees.

When power is out of balance, we often are using the other person as a means to our preferred ends rather than treating the person as an end in himself, a human being who has autonomy and choice in how that person lives his life. The classic example is the medical experiments with the Tuskegee Airmen where testing was being done concerning syphilis. The Airmen were told that participating was part of their patriotic duty. The conversations happened in the Airmen’s home churches, giving the experiments an even greater imprimatur of authority. Even after the researchers determined that a cure for syphilis existed, the tests continued (which included no treatment for the disease) to document the physical results of syphilis, to the great detriment of the Airmen. In this case, the researchers used the men as a means to their end of more data.

A final consideration asks whether we are helping people make the best decisions possible. To accomplish this, we need to help people know that they are rational human beings who can determine the best way to live. One indicator of a person’s autonomy is the balance of power among the various constituents. If either party abuses their power, which can result from an imbalance of information, education, or financial resources, then the other party may not be able to freely choose what she wants to do. Another indicator of balanced power is the presence of real options. If a person has no access to health care, that person cannot choose to be treated for illness. Thus for this step we look for balance of power and options.

3. **Fourth Question: How does this option meet the requirements of traditional and personal ethical principles?**

Many people assert that we all instinctively know the principles – the rules by which we should live. The difficulty is that unexamined instincts often lead to bad results. Thus, considering the concrete duties which
become clear as we consider the categorical imperatives is useful. While we may not agree on the list or the priority to be given to each rule, reviewing the lists of traditional duties as outlined by ethicists such as W.D. Ross can be instructive in the process of balance and prioritizing our options. While Ross doesn’t assert that the following list is exhaustive, reviewing the commonly accepted duties can help us assure that we are being responsible.24

- **Duties of fidelity:** telling the truth, keeping actual and implicit promises, and not representing fiction as history.

- **Duties of reparation:** righting the wrongs we have done to others.

- **Duties of gratitude:** recognizing the services others have done for us. Being thankful for our lives and our community.

- **Duties of justice:** preventing a someone from distributing pleasure or happiness that is not in keeping with the merit of people involved (people should not give good things to bad people).

- **Duties of beneficence:** helping to better the condition of other beings with respect to virtue, intelligence, or pleasure.

- **Duties of self-improvement:** bettering ourselves with respect to virtue or intelligence.

- **Duties of non-maleficence:** avoiding or preventing an injury to others. Not hurting other people.

Again, this list is most helpful in identifying the duties which seem to make sense for members of our community after people have attempted to identify universal principles. The list can help us assure that our core cultural duties have been considered before we act.

C. Apply the moral content
As we reflect on the options, our next task is to consider whether that option can be carried out in a way that demonstrates caring for the other person. Ethical actions have two dimensions – what we do and how we do it. Modern theorists considered primarily what we should do and didn’t focus on method. When we use the rights and responsibility lens, the question becomes which option will fulfill the rights and responsibilities which we have voluntarily taken on in our community. However, if we are not careful, we can carry out an ethical option in a way that is hurtful to others.

The post-modern turn invites us to consider the context of the situation and to look at those affected by a decision as whole persons with feelings and emotions. We are not expected to violate our duties and responsibilities, but rather to carry out those duties in a way that acknowledges the essential humanity of the persons affected by the decision. In an era of downsizing and firing, many employers decide to give people 15 minutes to clear out their desks and escort them to the door. Others choose to give people time to say goodbye, help with resumes, throw a party, and let the grieving/celebration run a course over several days. Those companies which fired people with integrity and care fulfilled their responsibilities while the dignity of the person was maintained. The moral lens turns our attention to caring for others as we invoke our rights. We can either accomplish our duty in a wholly rational way or we can see others as humans and treat them with respect and care as we carry out our duties.

Phase 4: Be Responsible
A. **Rank the options from least preferred to most preferred.**

Having determined the reasons for acting and then evaluated the options against the criteria of (1) can everyone act on this reason [universibility]; (2) would I be willing for someone to use this reason in how they treat me [reversibility]; (3) am I treating people as ends and not means to an end; (4) the core ethical principles; and (5) whether I can carry out this option in a caring manner, rank the options from least preferred to the most preferred.

As the options are ranked, summarize why the ranking of options was made and demonstrate the primacy given to autonomy: (a) because each person is valuable in his or her own right, each person can choose how best that person wants to live; (b) but once having freely chosen, a person is obligated to fulfill those responsibilities.

B. **Correct for bias:**

While the individual/reflection lens provides us with the gifts of autonomy and responsibility, if our actions are not tempered with compassion, we can become autocratic. If we believe that *we* have found the right principles and the preferred priority and others have not, we can become judgmental and legalistic. Many
times those who prefer this lens want to impose their own understanding of the principles on all others. Thus we have to assure that we listen to each other and subject our pet ideas to a healthy dose of skepticism.

A corollary problem is that as we criticize and punish others for not following the rules, we have all kinds of reasons why we are exempt from following the very same principles. As the press revealed the hubris of top business executives at the end of the 20th century, each had myriads of reasons why they did not have to follow the accounting rules or provide financial transparency for their stakeholders. Even while they required people in the firm to be careful with resources, they lived lives of excess, believing somehow that the wealth was deserved and their prerogative. Even while they paid themselves exorbitant salaries and bonuses they forced vendors to deeply discount prices and paid employees as little as possible to demonstrate their commitment to efficiency and the bottom line.

C. Attend to the common good:

While this lens focuses on the rights and responsibilities we as individuals claim, we must note that all others in the community are entitled to the same rights. Of course, the difficulty is that we don’t always notice that we must have a modicum of personal and financial power to exercise rights. To correct for the bias of assuming that all have the same opportunities and resources, as you rank the options, focus on balancing between achieving individual rights and responsibilities against all of the stakeholder rights and responsibilities. If the rights and responsibilities of either party are to be compromised, compromise on the side of the one who has the least power.
and the least ability to gain power.

D. Act with courage:

Because most of the work in ethics is persuasion, you should be able to articulate clearly what choice you have made and why. After giving a bit of background information to set the stage for the problem, frame the statement so that you answer the core questions of this particular lens.

- What are my reasons for choosing this action?

- Having examined my motives, how are my duties, rights and responsibilities, both in terms of my own as the ethical actor and the all of the other of the constituents fulfilled?

- How does the way that I propose to carry out this action demonstrate caring for the constituents involved?

Step 5: Returning to awareness

After writing down your choice, consider whether or not the ethical analysis made sense. Did you like the result? What were the problems with the process? What are the sticking points with the process? How did you see the process enhanced or modified by adding the world of emotion or caring?

A. Continuous improvement

The process of continuous improvement involves evaluating the result of the action. As you take action in your life based on the lens, watch for
intended and unintended results. Also watch for new questions or answers that were not complete. The trajectory for maturity is not necessarily smooth, but as we attend to our rights and responsibilities, we can get there. As we treat people with respect and dignity, we consider to what degree autonomy can be respected. This process will call us to accountability for paternalistic and autocratic behavior while caring for those who legitimately cannot care for themselves.

B. Crucible of Spirit:

As we are called to balance, we need to address whether we are being overly responsible or not responsible enough. As we learn to live fully in the present, attending to our own desires and our inner child, we can avoid the problem of busyness for the sake of busyness or becoming self-righteous as we try virtuously to meet all of the spoken and unspoken requirements of the community. If we do not attend to our spirit as we do our work we risk becoming bitter and brittle. Duty without joy provides naught but dry bread and water for sustenance. As we seek tastier fare, we can learn how to be responsible while treating ourselves and others with compassion.

CONCLUSION

The individual/reflective lens invites us to consider how to live a responsible life. Beginning with the ethical key phrase, *I am responsible*, we learn to be adults who consider our motives as we act. To avoid becoming legalistic and autocratic, we learn to be compassionate, or in the words of the moral key phrase, *I am caring*. As we learn to use both our heads and our hearts, caring for other while assuring that they too are granted autonomy, we can *delight in our work*. The balance of rights and responsibility, caring and autonomy require careful thought. With practice and discipline, we can act with discretion and wisdom when faced with difficult choices.
Continuing the Conversation

1. Using either the first problem in the simulation or another fact pattern, analyze the situation using the Individual/Reflective lens. Was the problem easy to do, indicating that this might be your preferred method of working ethical problems? Was the process difficult indicating that this may not be your ethical home?

2. Read an op ed piece in your local paper or a national paper and find examples of justice ethics. In what ways did the author appeal to basic liberties? What distinctions were made between “rights” and equality of opportunity for all people. How did the author engage in the process of reflective equilibrium?

3. Reflect on ways that you attend to imbalance, whether concerning power or in your personal and professional life. How do you know when you are improperly using your personal power? How do you know when your life is not in balance? What strategies do you have to bring your life back into balance?

Notes:

5. Nash and McLennan, Church on Sunday, Work on Monday, 34.
9. Whyte, 177.
11. Rolheiser, 27.
12. Witte, Law and the Protestant Reformation.
13. John Calvin is known as the father of Calvinism which informed traditions such as the Presbyterians and then the movement known as the Anabaptists (because they didn’t baptize infants) which was the precursors of the various Baptist and Holiness denominations. Richard Hooker is the father of the Anglican tradition as he systemized the reform teaching of Calvin with the liturgical understandings of the Catholic tradition. The legacy of the Anglican
Tradition in the United States is the Episcopal and the Methodist church. St. Ignatius Loyola is the founder of the Jesuit Order. Loyola also focused on the individual’s relationship with God as seen in the *Spiritual Exercises* which are the cornerstone of Jesuit spirituality. See Nelson, *Reaching for Heaven on Earth.*

18. Kant, 18.
20. Velasquez, 98.