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Ethical Reasoning and Analysis: The Elements

Martin Benjamin
Michigan State University

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Center for the Study of Ethics in Society



Ethical Reasoning and Analysis: The Elements

Martin Benjamin
Michigan State University

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Center for the Study of Ethics in Society
Western Michigan University
Kalamazoo, MI 49008

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ETHICAL REASONING AND ANALYSIS: THE ELEMENTS

Martin Benjamin
Michigan State University

Presented to the WMU Center
for the Study of Ethics in Society
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Ethical Reasoning and Analysis: The Elements*

A patient suffering from an untreatable cancer is in great pain. The only medication likely to reduce the pain will at the same time depress respiration, increasing the likelihood of an earlier death. The doctors and nurses are perplexed. They are committed to preserving and prolonging life. But they are also dedicated to mitigating pain and suffering. As a rule, they do not have to choose between the two. In this case, however, the choice seems unavoidable. What, **all things considered**, should they do and why?

This question is central to ethics, the discipline that systematically analyzes and attempts to find rational justification for our moral choices and judgments. All too frequently in the modern world we find ourselves in situations requiring choice between two or more alternatives; each of which is, on the face of it, supported by a plausible moral rule or principle. Ethics is the discipline that helps us to think such choices through.

Ethics, as understood here, is for good people, not bad. It is for those who want to do the right thing but who for good reasons are not at all clear about what the right thing is in certain situations

--situations in which plausible moral rules and principles pull us in different directions. In what follows I identify the elements of ethical reasoning and analysis and indicate how they can contribute to resolving or ameliorating moral conflict.

CRITICAL REASONING

Critical reflection and inquiry in ethics involve the complex interplay of a variety of human faculties, ranging from empathy and moral imagination, on the one hand, to careful reasoning and intellectual understanding, on the other. Among the more cognitive skills employed in thinking an ethical question through are: (1) clearly identifying ethical issues; (2) determining relevant factual information; (3) clarifying concepts and drawing relevant distinctions; (4) constructing and evaluating arguments; (5) developing a systematic framework; and (6) anticipating and responding to possible objections.

Identifying Ethical Issues

Health care professionals who are unaware of the ethical dimensions of certain decisions may, in the name of technical expertise, impose their (often

unexamined) personal values on others without adequate justification. Suppose, for example, a physician determines that a patient is suffering from a certain form of cancer and that the only available treatments are what I will call Treatment A and Treatment B. Treatment A has a 50% three-year-survival rate, requires lengthy periods of hospitalization for its administration, and is accompanied by a number of unpleasant and debilitating side-effects (e.g., nausea, loss of hair, impaired mental functioning, and so on). Treatment B, on the other hand, has only a 20% three-year-survival rate, but it can be administered in the doctor's office and is relatively free of unpleasant and debilitating side-effects. You, let us suppose, are the doctor. What should you do?

There are two equally wrong initial answers to this question. The first is, "I should administer Treatment A." The second is, "I should administer Treatment B." The correct answer to the question is that you should explain to the patient as clearly and as carefully as you can the comparative risks, costs, and benefits of each treatment and then ask the patient which treatment, A or B, she prefers. For the choice between Treatment A and Treatment B is not a function of the physician's medical knowledge or

expertise (although making the diagnosis, knowing that these are the treatments of choice, and administering either treatment are). Rather the choice involves competing ethical considerations--and it is the patient's values, not the physician's, that ought in this case to be paramount. For the physician unilaterally to decide on A (because she believes that, ethically, nothing is more important than extending life) or B (because she believes the "quality" of life is in this case more important than its quantity) is to unwittingly impose her ethical values on the patient. Whether the physician's values coincide with those of the patient will then be a matter of luck.

We cannot use reason, evidence, and argument to address ethical questions until we recognize them as such. It is thus that identifying a particular decision as turning on conflicting ethical values is an essential component of ethical reasoning and analysis.

Determining Relevant Factual Information

Although deep ethical dilemmas will rarely be resolved simply by an appeal to or understanding of "the facts," certain factual matters will always be relevant to ethical inquiry. If we must reach beyond the facts in thinking through ethical questions, we

must also guard against reaching without them.

Often we cannot completely identify relevant factual information at the outset. As we clarify concepts, construct and evaluate arguments, anticipate and respond to objections, identify relevant ethical principles, and so on, certain factual considerations that we initially thought to be relevant may come to seem less so, and we may perceive a need to obtain other information that, at the outset, seemed less important. In short, what counts as a relevant fact is dynamically related to the other elements of ethical analysis and reasoning. As we think through an ethical question, we must continue to ask what the relevant facts are and whether we have obtained them.

Clarifying Concepts and Drawing Relevant Distinctions

Ethical inquiry often requires careful conceptual analysis and the recognition of important distinctions. Terms and expressions like 'good,' 'benefit,' 'harm,' 'equality,' 'democracy,' 'just' (and 'unjust'), 'right,' 'life,' 'right to life,' 'civil disobedience,' and the like are used in a wide variety of ways. In ethical debates we continually talk past each other unless we become clear about exactly what we mean by such terms and expressions. One reason

these debates often become fruitless is that the participants fail to clarify exactly what they are talking about.

The result of a careful conceptual analysis is usually the recognition of one or more distinctions that had not previously been explicitly recognized. Drawing an important distinction in ethical inquiry is like using fine instruments in surgery. The surgeon needs very fine instruments to cut or suture one part of the body while leaving others untouched. Neither a chain saw nor a woodsman's axe is suited for surgical incisions because each is too crude or blunt and will cut far more than should be cut. So too, in ethical inquiry, one needs fine tools to outline a defensible position on one particular issue without being committed, less defensibly, to the same position on a different kind of issue. It is one thing, to take a simple example, to argue for allowing conscious, competent, Jehovah's Witnesses to refuse lifesaving blood transfusions for themselves, and quite another to allow them to do so for their minor children. Our tools here are words; fine linguistic distinctions, like fine surgical instruments, make possible more precise analysis of ethical questions.

Constructing and Evaluating Arguments

I use the word 'argument' in the logician's sense, in which an argument is a set of reasons, or premises, together with a claim, or conclusion, which they are intended to support. Having identified an ethical issue, we must not only conduct factual and conceptual investigations, we must also construct and evaluate arguments for or against various positions. Good introductory courses in logic will contribute to one's capacity to construct and evaluate ethical arguments as will working oneself through one or more well-written, generously illustrated textbooks.

Developing a Systematic Framework

Efforts to construct and evaluate particular arguments should draw upon and be incorporated into a developing, systematic ethical framework. The development of such a framework is important for two reasons. First, it provides a common ground for resolving moral disagreements. Insofar as we share a systematic framework, made up of principles, rules, distinctions, standards of justification, and so on, we will then be able to use it to settle certain disputes. And even in those cases in which such a framework gives no direct guidance, it can at least provide a common background and starting point for the

development of satisfactory resolutions.

Second, the development of a systematic ethical framework is of personal as well as interpersonal value. One of the qualities most of us admire in others and try to cultivate in ourselves is personal integrity. A person of integrity, in this sense, is one whose responses to various matters are not capricious or arbitrary, but principled. Such a person attempts to respond to new situations, so far as possible, in ways that are consistent with justifiable responses to past situations. This principled continuity of conduct is part of her identity as a person, and the degree to which she is able to **integrate** responses to various situations determines the extent of her identity and integrity as a particular person. Thus, so far as a person wants to maintain a unitary sense of self and an accompanying sense of personal integrity and reliability, she will want to develop a systematic framework for analyzing and responding to ethical issues.

Given the open-ended nature of the fundamental question of morality ("What **all things considered** ought to be done in a given situation and why?") and the complexity of our rapidly changing world, the development and maintenance of a personal and interpersonal framework requires continual

attention. As an ethical framework is repeatedly applied, tested, refined, and revised, its comparative adequacy is gauged by the extent to which it is consistent (free of contradiction) and comprehensive (applicable to a wide range of cases).

Anticipating and Responding to Objections

No matter how careful we have been, it is always possible that our reasoning is defective, that we have overlooked an important distinction, that new factual developments have undermined important assumptions, and so on. We must therefore be concerned not only with critically evaluating the positions of others, but also with anticipating and responding to possible objections to our own position and arguments. As much a matter of temperament as intellectual skill, this element of ethical reasoning and analysis requires a deep appreciation of the complexity of the entire undertaking. The classic defense, worth repeating here, is found in John Stuart Mill's On Liberty:

He who knows only his own side of the case knows little of that. His reasons may be good, and no one may have been able to refute them. But if he is equally unable to refute the reasons on the opposite side, if he does not so much as

know what they are, he has no ground for preferring either opinion.... Ninety-nine in a hundred of what are called educated men are in this condition, even of those who can argue fluently for their opinions. Their conclusion may be true, but it might be false for anything they know; they have never thrown themselves into a mental position of those who think differently from them, and considered what such persons may have to say; and, consequently, they do not, in any proper sense of the word, know the doctrine which they themselves profess....So essential is this discipline to a real understanding of moral and human subjects that, if opponents of all-important truths do not exist, it is indispensable to imagine them and supply them with the strongest arguments which the most skillful devil's advocate can conjure up (Mill 1859, p. 45).

ETHICAL UNDERSTANDING

In addition to these skills, ethical reasoning and analysis require some understanding of: (1) the nature and justification of basic principles; (2) the sense and extent to which we can be said to have

knowledge about matters of ethics; and (3) the relationships among ethics, law, and religion in a pluralistic society. Each is very complex and cannot be fully explored here. What follows is little more than bare-bones introduction.

Basic Ethical Principles

Ethical reasoning and analysis often proceeds quite adequately without examination of basic principles. Questions may be clarified, distinctions drawn, arguments examined, and solutions found without appealing to, say, the principle of utility or Kant's categorical imperative. Indeed, more often than not utilitarians and Kantians agree on the same course of action (for example that killing, lying, theft, rape, and child abuse and neglect are wrong), though their justifications will be based on different principles, and these principles on different theoretical considerations.

In some cases, however, opposing positions will be based on different principles. Parties to the disagreement will agree on the facts and they will be using words in exactly the same way. The issue will turn on whether, when push comes to shove, one believes that one should, say, either maximize utility or treat individuals as ends-in-themselves. Consider,

for example, a disagreement on whether a particular patient ought to be told the truth about her illness. Although she feels fine now and will continue to do so for a few weeks, she will soon become very ill and die.

One physician might argue that the gravity of the patient's condition not be disclosed so that she will be able to enjoy the next few weeks. This physician may defend her "What the patient doesn't know won't hurt her" position by appealing to the principle of utility. In defense of her recommendation, the physician may argue that we should always do what we can to maximize net happiness. Not disclosing the nature of the patient's condition until later, the physician may conclude, will bring about more overall happiness than any alternative.

A second physician might agree that this course of action will contribute to the maximization of happiness, but deny that maximizing overall happiness is, at bottom, the most important ethical consideration in this case. Withholding the truth, this physician might argue, demeans the patient. It fails to respect her capacity for autonomy or rational self-direction; it fails, as Kant would put it, to treat her as an end-in-herself. Even though it is likely to make her unhappy, learning the truth about her condition will

allow her to spend these last few weeks of healthy existence differently than if she were not so informed. She might, for example, choose to visit her parents or a sibling or child from whom she has become estranged, and so on. Withholding the truth about the patient's condition prevents her from making an informed choice about how to spend these remaining days of health and mobility, and thus fails to respect her capacity for rational self-direction.

If the two physicians are to pursue the matter farther they will encounter questions about the nature and justification of ethical principles that have long been the subject of ethical theory. It would thus be important that they know something about utilitarianism, Kantianism, and other attempts to address these matters in disciplined and systematic ways.

Knowledge in Ethics

How can we know that some positions or theories in ethics are better than others? Many believe that we cannot have knowledge in ethics. Unlike science or history, ethics, they argue, cannot be the subject of genuine knowledge. Although this is a large and complex topic to which I cannot do justice here, I want to show that there is a perfectly good

sense in which we can, in many cases, **know** that one answer to an ethical question is better than the others.

I begin by distinguishing two equally wrong-headed extremes. **Dogmatic absolutism**, as the term suggests, maintains that ethical truth is fixed, immutable, and beyond discussion. "This is clearly right, that's clearly wrong," says the dogmatic absolutist, "and there's nothing more to be said. Just do what's right and don't do what's wrong." At the other end of the spectrum we find what I call **mindless relativism**. "Ethical conviction," says the mindless relativist, "is nothing more than a matter of opinion; and one such opinion cannot be shown by reason, evidence, or argument, to be better than any other."

Despite their apparent differences, each of these positions suffers from the same defect. Each begins with a small kernel of truth and then overinflates it. The dogmatic absolutist is on firm ground when she maintains that some ethical convictions are beyond discussion. There are **not**, for example, two genuine sides to the question of whether it is wrong to cut off someone's arms simply to see what she would look like without them, or whether it is wrong to drop an infant down a deep well to hear what it sounds like when he hits the

bottom. The dogmatic absolutist goes wrong, however, when she assumes that all, or even most, ethical questions are of this nature. Most ethical questions that rightfully trouble thoughtful people are not nearly this easy. The kernel of truth in mindless relativism is that a number of important ethical questions seem, at least at present, to resist rational resolution. Although reason, evidence, and argument may be capable of rejecting some positions on, say, abortion, they cannot (at least not yet) show that one, and only one position, is the correct one. Mindless relativism goes wrong, however, when it goes on to assume **all** ethical questions are this intractable.

In fact most issues that interest us fall somewhere between these two extremes. Well-grounded answers are not as obvious as the dogmatic absolutist would have us believe; but neither are they as elusive as the mindless relativist would assume. Reason, evidence, and argument--if they cannot guarantee universal, immutable responses to questions falling within this broad middle range--can often show that, on reflection, one position is, at least in present circumstances, more well-grounded than any genuine alternative. We take our positions then by default. It is not that they are perfect or flawless, but rather that living our lives requires that we take some position on

the matter in question and the position we have settled on seems, on balance, to be better than the others.

Ethics, it should be noted, is no worse off in this respect than many practical endeavors. In medicine, for example, few therapies or treatments are perfect or flawless. Most acceptable medical treatments would be better if, for example, their success rates were higher, their beneficial effects more rapid, their side-effects fewer, and their costs lower. Still this does not mean that medicine is not a rational activity and that we have no grounds, in certain circumstances, for preferring one treatment over others. The same is true *mutatis mutandis* in ethics. That a particular ethical position has flaws or limitations is not sufficient for rejecting it if one must take a position on the matter and the alternatives can be shown to be even more flawed or limited.

Critics of ethics as a rational discipline are guilty of applying a double-standard when they complain that reason, evidence, and argument cannot often come up with perfect or flawless answers to ethical questions. If settling on a position by default is good enough for medicine--if it does not call into question medicine as a rational, disciplined undertaking--it should be good enough for ethics as well. Thus the sense in which we can **know** that one

position on an ethical issue is better than another is the same sense in which we can know that one therapy or treatment is better than another in medicine.

As in medicine, however, those engaged in ethical reasoning and analysis should acknowledge that resolutions of most practical and theoretical questions will be provisional. Just as in medicine we continue to look for improved therapies, we should in ethics be prepared to re-examine and, if necessary, revise our positions in the light of new circumstances, evidence, argument, and so on.

Relationships among Ethics, Law, and Religion

Although there are important and frequent overlaps between ethical, legal, and religious considerations, it is important in a pluralistic society that we try to distinguish, though not necessarily separate, questions of ethics, law, and religion. A moment's reflection will, for example, reveal that although ethical and legal prohibitions frequently coincide, certain acts may be morally but not legally justified, and vice versa. A man rushing his pregnant wife whose labor has begun to the hospital in the early hours of the morning is justified in cautiously driving through red lights. What he is morally justified in

doing is nonetheless illegal. The circumstances may **excuse** him for violating the law, but they **do not suspend** the law. Similarly, abolitionists who violated the fugitive slave laws and civil rights activists, like Martin Luther King and his supporters, who civilly disobeyed certain laws as a last resort in protesting institutionalized racism, broke laws but did not act immorally. On the contrary, one may plausibly argue that what was immoral were laws that supported racism. In this case one would be saying that certain acts, though legally justified, were not morally justified.

The fact that we can identify acts that are morally justified but not legal, and vice versa, is not simply an indication of a remediable imperfection in our present legal framework. There will always be acts that are morally permissible or obligatory, but not legal, and vice versa. The former will occur because the completely unrestricted framework of ethical inquiry always allows for the possibility of new or unanticipated considerations overriding the **prima facie** moral obligation to obey the law. And the latter will always be with us because certain immoral acts (such as a man's falsely promising to undertake long-term commitments to a woman solely to manipulate her consent to sexual relations) cannot be made illegal

without resulting in either costly additions to the police force and unacceptable incursions on our privacy or an erosion of respect for law in general.

That an act is illegal is not, therefore, sufficient for concluding that it is unethical; nor is the fact that an act is legal sufficient for concluding that it is ethical. The relation between law and morality is more complex. The same is true of the relation between religion and morality.

Many believe that ethical decisions are ultimately grounded upon, and inseparable from, religious belief. Yet an argument first adumbrated by Plato suggests that our conception of a good God, rather than providing the basis for our understanding of morality, is itself dependent upon a logically prior and independent understanding of the elements of ethics (Plato; Rachels, pp. 39-52). I cannot go into the details of this important argument here. Instead, while recommending that the reader pursue it on his or her own, I call attention to the fact that the striking similarity among many of the most central ethical convictions of people of widely diverse religious convictions is difficult to explain if these convictions can be justified **only** in the context of religion. Although a person may attribute the Golden Rule to religious authority, insofar as this principle is a part of

nearly all religious moralities and is presumed to be binding on believers and nonbelievers alike, it is very likely grounded on reason (a principle of consistency) and empirical evidence as well.

This should be a welcome conclusion to anyone committed to living in a pluralistic society (or pluralistic world) like our own. Agreement on policies affecting all members of such societies is possible only if the reasons for accepting these policies are independent of any particular religious doctrine. Patients and health professionals of various religious persuasions, as well as agnostics and atheists, will be able to reach agreement on many recurring ethical issues in health care only if they can appeal to principles justified on secular grounds. To the extent that it is important for people of differing religious convictions to agree on matters of ethics, it is important that they support their views with secular arguments, even if their views had their origin in, and can also be supported by, religious considerations.

There is, of course, much more to be said about the relationships between ethics, law, and religion. My aim here has simply been to show the importance of understanding these relationships and that we must beware of routinely responding to ethical questions with answers taken directly from either the

law or religion.

CONCLUSION

Although engaging in ethical reasoning and analysis is often difficult and demanding, it can provide significant benefits. First, disciplined ethical inquiry increases the likelihood of our arriving at a mutually satisfactory resolution to an ethical disagreement. As we patiently and carefully identify ethical issues and related factual considerations, draw relevant distinctions, analyze opposing arguments, anticipate and respond to objections, and so on, we will elicit more well-grounded agreement than we might initially expect. Second, even when agreement is not reached, an extended, mutually respectful, reflective discussion of the matter will usually convince the parties that those holding opposing positions are not thoughtless, callous, or otherwise "defective" from an ethical standpoint. As a result, personal acrimony will be limited and the parties may come to realize that, as thoughtful persons struggling with the limitations of the human condition and the enormous complexities of the modern world, there is more that joins than divides them. This may then provide both the motivation and the groundwork for

devising well-grounded compromise positions that can be regarded as preserving everyone's integrity. Although reason, evidence, and argument will not always be able to resolve our ethical disagreements they will, in certain circumstances, enable us, through compromise, to contain them (Benjamin 1990). And this, given the complexity of the issues and the bitter divisiveness they engender, is no small achievement.

*Much of this paper has been adapted from the first two chapters of Martin Benjamin and Joy Curtis, Ethics in Nursing. 2d ed. New York: Oxford University Press, 1986.

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BIOGRAPHY

Martin Benjamin is a professor of philosophy at Michigan State University. He is author of the recently published *Splitting the Difference: Compromise and Integrity in Ethics and Politics*. He is also coauthor of *Ethical Issues at the Outset of Life* (with William B. Weil, Jr.) and *Ethics in Nursing* (with Joy Curtis). He has been an NEH fellow at the Hastings Center and is a member of a legislative task force on death and dying of the Michigan House of Representatives. He is also chair of the Ethics and Social Impact Committee of the Transplant and Health Policy Center of Michigan.

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Martin Benjamin

Michigan State University

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Tuesday, 1:00 p.m., 3020 Friedmann
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**THE PLACE OF DECEIT IN
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- Apr 5** **Vivian Weil,** Center for the Study
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**OWING AND CONTROLLING
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