The phrase “applied ethics” evokes a simple picture of what it is to be ethical in this world. We have ethical principles, and we apply them to the world. “Be honest!” “Keep your promises!” “Don’t cause unnecessary suffering!” Where the world matches up with what ethical principles tell us ought to be the case, we are ethically satisfied, and where the world fails to match up, we respond with whatever seems appropriate to the seriousness of the failure. Lies that lead to war are far more serious than white lies, for instance, and require a far more robust ethical response. We just need to recognize a lie as a lie, dishonesty as dishonesty, and so on. Then it is a simple matter to critique as unethical what we recognize as unethical and calibrate our response. It is a simple matter to be ethical on this picture. We just apply ethical principles to the world, making what is what ought to be when we can.

We are familiar with debates about abortion and affirmative action, for instance, where we bat back and forth competing principles about how the world ought to be, one group applying one principle or set of principles, another applying another. It certainly can look as though our task in applied ethics is to be sure we recognize what is ethically problematic and then determine what ethical principle is properly applied. So we recognize that abortion is ethically problematic, and then we try to determine whether it is, for instance, a matter of a woman’s freedom of choice or a matter of killing a human being.

The role of philosophers, on this picture, is equally simple. Philosophers make sure that what has been recognized as ethically problematic is really ethically problematic, and they then ensure that the principles applied are properly articulated and properly applied.

There is some truth in this simple picture, but it portrays a very narrow conception of how ethics enters into our world and so a very narrow conception of what the role of a philosopher is who is concerned with what is commonly called “applied ethics.” That picture blinds us to the multitude of ways in which ethics enters into our lives. It thus blinds us to
important ethical issues. It also fails to appreciate that philosophers can learn much of philosophical importance by examining the ways ethics enters our lives. The simple picture presupposes that we have got the ethical principles right, that the only problem is in applying them, and that the role of philosophers is to assess our judgment calls and be sure that the principles are articulated clearly. The proper picture, I shall argue, is that the world is very complex ethically and that we have much to learn from working our way through the ethical issues it presents us with. I will begin with a clarification of what I mean by that simple picture.

1. The Simple Picture

According to the picture the phrase “applied ethics” evokes, we can succeed ethically only if

• we recognize that something is ethically problematic, and
• we apply the ethical principle that tells us what is wrong.

We can thus fail only by

• not recognizing that anything is ethically wrong
• applying the wrong principle, having seen that something is wrong, or
• finding ourselves unable to determine which principle to apply.

That these are two requirements for doing what is ethical and three ways in which we can fail to be ethical, or have problems being ethical, is a function of the picture itself, the understanding that applied ethics consists in applying principles of ethics to the world. Either we cannot see anything to apply an ethical principle to, or we can see something, but grab the wrong principle, or we see something but cannot figure out what principle to apply. Success consists just in recognizing that something is wrong and applying the right ethical principle to it.

Applied ethics on this picture is an epistemological matter. We recognize that something is wrong and then determine what is wrong by applying the right ethical principle. And this picture does indeed capture a part of what we need to be concerned about when we turn from looking at ethical principles to looking at the world and understand how ethical principles operate, and fail to operate, in our world.

If the ethical life presented itself the way we often present it to children, it would look like this simple picture. “You should always tell the truth!” And then we chastise when a child does not. Principle, application: what could be easier? But I do not think life presents itself even to
children as such a simple set of problems. Let me provide an example
where a child, all of five years old, and in nursery school, describes how
unfair life can be. We shall see that the simple picture captures some, but
not all of how ethics entered the child’s world. I should add that this is a
ture story.

I was driving Sara, we shall call her, to her home from her nursery
school when she said, “It must be terrible to be ugly.” Sara was a beauti-
ful little girl, as lovely as her mother, whom I was dating. My first thought
was that she was talking about herself, but I realized that the form of her
comment meant that she did not think she was ugly. So I asked a ques-
tion in response, “Why do you say that?”

“Well, they don’t have any friends. They sit in the corner by them-

“Thats certainly true, Sara.”

“It’s not fair!”

“You’re right,” I agreed.

We drove for a few more minutes, and I thought the conversation
was over. Then she said, “And besides, it’s not their fault.”

“Why is that?”

“They were just born that way, and it’s not their fault they were born
that way.”

I was trying not to smile, afraid that she would misinterpret my
smile of recognition of a very basic principle of justice that tells us that
we should discount accidents of birth in distributing the goods of society,
including, Sara was saying, getting picked for games by other children. I
said, yet again, “You’re right.”

We then drove on to her house, and as we drove into the driveway,
she said, “You know what else?”

“No, what, Sara?”

“They’re still ugly.”

We might take this to mean that she thought they were, well, ugly,
but I do not think that is what she meant at all. Judging by her puzzled
look as she said that and by her manner of speaking, I think she was
struggling with something deeper. Our social norms are so powerful that
we cannot help ourselves. Even though we know it is wrong to treat them
differently because of a contingent feature they have for which they are
not responsible, Sara was saying, we still see them as ugly.

I did not ask her what occasioned her thoughts or whether, if it were
a particular instance of unfairness, she did anything to help. In retrospect,
I think the latter question unfair, and at the time neither question occurred to me.

What Sara’s dialogue betrayed were three essential capacities for being ethical. She recognized that the norms of our lives are unfair to some, at least, who are penalized for being what they are; she laid out a variety of ways in which that unfairness displays itself and so recognized the generality of the problem; and she begin to articulate a principle about how we ought to treat others. Each of these capacities is essential to doing what is right.

(a) The capacity to recognize an ethical problem is fundamental. We can hardly begin to respond ethically if we are blind to an ethical issue right in front of us. Sara’s seeing as problematic behavior that is all too common, too “normal,” is a testament to her ethical intuitions.

Ethical theories can both enlighten us and blind us, allowing us to see something as ethical that we had not seen before and yet also blinding us to what is thought ethically irrelevant. Indeed, almost anything can blind us to ethical problems. Physicians must be taught to see bodies as mechanisms, subject to faults and breakages any mechanism is subject to, and yet a physician well-trained in seeing a person as a mechanism may find it difficult to treat a person as anything other than a mechanism.1

It is unfortunately commonplace for individuals to fail to see that anything is wrong. We are so accustomed to the world as we live it—how we walk, how we talk, how we see ourselves, how we see others—that we do not take all that is normal to us as merely a matter of contingent custom, and it takes no small effort to wrench ourselves out of ourselves, as it were, to see the world anew and thus see what is wrong with the world we are accustomed to. Anyone who has had a bad habit pointed out to them by others can attest to the difficulties of realizing that they have a bad habit. We just go blithely on, without thinking much, if at all, about how we are going on. Being blind to ethical problems is obviously a major difficulty as we wend our way through the world.

(b) Understanding the nature of the ethical issue depends in part upon our capacity to generalize from a single situation to other situations, all equally problematic. We are then seeing the problem as a kind of problem, one calling for a principled response, rather than as a single isolated instance of something that is wrong.

It is rather like finding a problem with your car. Those in the know can tell you, pretty quickly, as it turns out, what the problem is if it is a typical kind of problem. They will say something like, “That’s a standard problem with Xs of that year. They’ve redesigned it, but that doesn’t do
you any good.” They then go on to describe how to fix that kind of problem, giving a general description of the procedures we must follow to make the fix.

Ethical problems just are kinds of problems, ones that display themselves in a variety of situations, from where one sits to when one gets picked for a game. It does not constitute a problem, let alone an ethical problem, for someone to be picked last. Someone has to be last. A problem occurs when that happens generally, most or all of the time, and it is most clearly indicative of an ethical problem if the same person is marginalized in other different contexts. Someone with two left feet is not going to be a top choice for any soccer game, but it is hardly discriminatory to be last or close to last for such a reason. But if that person also cannot find anyone willing to sit together at lunch, is relegated to a corner of the room, is generally treated differently from others, we have an ethical problem. It does not matter whether the general treatment is to the person’s detriment or benefit. A person is being picked out, treated differently, and either harmed or benefited.

(c) What is required is that we see the behavior as falling under a general principle. We then can see not only that it is a kind of behavior, but what kind of behavior it is. A referee, seeing something problematic, must decide whether it is a foul. That means deciding whether it is that kind of behavior or something else entirely, and a decision is made by deciding that the behavior either falls or does not fall under a general rule prohibiting certain kinds of behavior.

Sara saw something ethically problematic in the way the child in her class was treated, and she ended up saying both that it was unfair, making the issue a matter of justice, and articulating a reason why it was unfair. The capacity to see a moral problem in someone’s not being chosen until last to play in a game, the capacity to generate a principled response to that problem, and a recognition that however powerful the principle, the norms of our lives will still have their way—none of these is easy. They betray a moral sophistication we can only wish some adults would have.²

I have articulated three capacities Sara evinced, but that is misleading in at least one way. The recognition that something is ethically problematic is not so clearly divorced from the application, if we are to talk that way, of a general ethical principle. We may not be able to articulate the principle well, or even at all, but knowing that something is wrong and what is wrong are not readily distinguishable mental acts. As Locke said,
‘Tis the first Act of the Mind, when it has any Sentiments or Ideas at all, to perceive its Ideas, and so far as it perceives them, to know each what it is, and thereby also to perceive their difference, and that one is not another.3

I say that they are not readily distinguishable acts. Locke may or may not be correct that knowledge must consist in knowing what something is as we know that it is, but to recognize something as ethically problematic is already to invoke an ethical principle, implicitly if not explicitly. Sara did not go so far as to articulate an ethical principle, but the reason she gave for what she saw being unfair points to an ethical principle that tells us that it is ethically wrong to treat people differently because of some contingent characteristic for which they are not responsible. It is the philosopher’s job, on this simple picture, to articulate clearly the principle that we should apply to this kind of situation as well as to check to be sure that what Sara saw as ethically problematic was ethically problematic. So the simple picture fits, but only because Sara is an observer on the scene. If she were an agent, if she had done something in response to the problem, she would have faced moral issues that are not captured in that simple picture.

That picture is mistaken in a variety of ways, not least because it narrows our focus on how ethics enters into our world. If we have this picture in mind, we will fail to recognize some ethical problems, and we will fail to be as ethical as we can be because we will come to think that all that matters, to be ethical, is to apply ethical principles. An ethical life is more complicated than that.

2. BEING IN THE ZONE

It is always helpful in coming to understand a subject to ask what it would be like in the ideal case. We can determine clearly what count as deviations from the ideal and see how they affect the subject in question. Understanding how the flow of traffic down a street would occur in ideal conditions allows us to see how various changes affect that flow and thus what might be done to mitigate the problems those changes introduce for achieving the ideal. Just so, it is helpful to consider what it would be like to have an ideal case in ethics, one so smooth that it precludes ethical criticism of any sort. We can then better understand how things can go wrong, providing an opening for ethical criticism, of course, but also
allowing us to understand more fully what must happen for things to go right.

For an athlete in the zone, everything goes right: the ball always goes in the hoop, or out of the park, or in the pocket, or whatever else required by the game to score. The player does everything right, with an admirable and easy grace. Being in the zone is rare, but frequent enough that we have a phrase for it.

Being in the moral zone is altogether a different matter. Aristotle said that “there are many ways of going wrong, but only one way which is right.” Children provide wonderful examples of how easy it is to go wrong: the child who thinks to thank the grandparents only just before the next birthday; the child told to thank the person who gave a gift not liked and so says, “Thank you for the wrapping paper and the ribbon!”; the child who asks of a gift just opened, in a voice much too loud, “What am I supposed to do with this stupid thing?!”

Those examples are of what we can do wrong, but being in the moral zone requires that matters go so smoothly there is no foothold for any moral criticism at all. For everything to be right and for us thus to be in the moral zone, we must:

1. be of good moral character.
2. know what is right.
3. intend to do what is right.
4. do what is right.
5. do what is right without morally unacceptable consequences.

If anything is wrong regarding any of these, we subject ourselves to moral criticism and are thus not in the moral zone.

1. **Character** – We give ethical credit for someone with a good character who does wrong. “He is a nice guy who just did something stupid.” Our character matters ethically, and we tend to presume a good character in our dealings with others. We thus do not recalibrate our judgment of someone’s character when the person does what is right. We just presume that is what a person of good character would do. But a bad character, once earned, puts a cloud on everything we do. It can take only one incident to force us to reassess someone. We then take into account the person’s character in assessing what the person did. Indeed, we query someone with a bad character who does something right. “I wonder why he did that? He must have some ulterior motive.” The very act of a person with a bad character is subject to second thoughts just because it is the act of a bad character. It does not matter if the act is exactly the right thing and that a person of good character would have done just that. We
are forced to query the act because it may reflect the bad character of the person. Just as we admire an athlete in the zone because all that the person does seems seamlessly to flow from the person’s athleticism, so we require that an ethical act that is in the zone flow from the person’s character.

2. Knowledge – Even if we have the best of moral characters, we must know what is right if ethical criticism is to find no foothold. It is not enough to walk around with a good character, ignorant of what is right and wrong, any more than it is would be enough to do what is right. We might do that by accident or inadvertently while trying to do something else for which we would be ethically blameworthy. Just as we gain no credit for clairvoyance if we guess the winner of a horse race through luck, so we must know that what we are doing is right if we are not to be subject to moral criticism. “You lucked into that!” would not be praise, but moral criticism if the act in question were what the person ought to have done though the person did not know that.

3. Intention – We must also intend to do what is right. Just as we may do what it right without knowing that it is right, so we may do what is right without intending to do so. We may think we know what we ought to do, do something that we think we are not supposed to do, and yet have it turn out that what we did was what we ought to have done. “But you didn’t intend to do that!” is a serious moral criticism when directed at someone who unintentionally does the right thing, especially when the intent was to do something different. “You were lucky!” is also, again, a perfectly appropriate moral criticism when directed at someone who did what they ought to do without intending to do so. Lucking into doing the right thing whatever our intentions does not make us immune from moral criticism. We may praise an athlete who somehow makes an impossible play, attributing it in part to the training and experience which makes it possible for someone to do what seems impossible sometimes, but we do not praise a person who does the right thing without intending to do it. We hold back our full approval if the act (or omission) was unintended. Indeed, intentions are important enough for ethical judgments that we even use our not having had an intent to cause harm as an excuse when we do cause harm. “Sorry, I didn’t mean to hit you,” or “I meant to put it in first gear, not reverse.” That is not the kind of excuse that gets us off the ethical hook all the time, but that we regularly give it indicates the place it holds in our world.

4. Doing what is right – Good intentions are not enough, however. We must not only intend to do what is right, but do it. We are all
familiar with the saying, “The road to hell is paved with good intentions,”
and we have all either ourselves had good intentions which went for
naught or know of others who had good intentions which were never
realized. We do not give ourselves, or them, much moral credit, if any, for
the good intentions if they are not followed with what we intended to do.
But doing what is right is not easy. Here is where Aristotle’s concerns
come to the fore. We must do the right thing “at the right time, toward
the right objects, toward the right people, for the right reason, and in the
right manner,” among other things. So much can go wrong when we act
both because there are so many ways we can fail to get it right and
because what we do is not wholly within our control. We may make what
we take as a gesture of thanks in a foreign country without realizing that
there the gesture is rude. It does not matter then what our intentions
were or whether in our country the gesture is a gesture of thanks. What
matters is that in that context that gesture is rude. It will not just be inter-
preted as rude. It will be rude, and we must then make amends somehow.
Doing what is right is not easy even with the proper intention, full knowl-
dge of what is right, and a good character.

5. Consequences – Anything we do has consequences. We do not
act in a vacuum, but in a world of causes and effects where our action
becomes a cause that will have its effects, whatever they may be. We often
have a pretty good sense of what will result from what we do. We initiate
a course of action, with the understanding that a particular act, in that cir-
cumstance, will cause a series of effects, a particular course of events, that
is. So when I prune the spent blossoms off a rose bush, I stimulate the
production of new buds. My act of pruning initiates a predictable course
of events to achieve the end of more blossoms that I wish to achieve.
Something may go wrong, of course. I may accidentally infect the bush
with some residue on the end of my pruners, for instance, and thus pre-
vent its having any more blossoms at all. But generally, for short runs of
events at least, we can pretty well predict what will occur. We cannot
always do that, and the ways in which we can fail constitute a laundry list
of the various ways in which we can go wrong in this world. We may fail
to understand that one action generally has such-and-such consequences.
“What did you think was going to happen?” is a question with a decided
snap to it. It tells the person of whom the question is asked that they
obviously did not think at all before acting and certainly did not think
through their actions. We may also fail to understand that a particular
course of events will generally initiate other courses of events. It happens
when driving all the time. A person pulls their car in front of another to
slip into the next lane and roar merrily on their way, ignoring the effects of that sudden movement on those behind who must slow down because there was a car where they would have been and who should be more cautious because we now have evidence of yet another idiot on the road capable of doing damage. We may fail to consider that any complex course of action that involves others is likely to be changed by the actions of others. A timid or irritated driver may cause havoc for the driver switching lanes, for instance. The list goes on and on. We are not ethically responsible for everything that flows from our action, but we are responsible for some of what occurs, and we must take responsibility to assess the potential consequences of various actions before acting. We ought to consider what anyone could predict would happen, what anyone should have foreseen, what anyone who did not neglect the circumstances in which they were acting would have been able to foresee, and so on.

If we take these five characteristics sequentially, beginning with being of good moral character and ending with doing what is right without ethically unacceptable consequences, we can see how essential each is to being in the ethical zone. We might imagine someone, like Adam, created with “his rational faculties...entirely perfect” and his moral character fully formed, walking into the world without any knowledge of what is right and what is wrong or any intention, obviously, to do anything right, or wrong—an observer capable of being moral because he has a moral character, but not capable of doing anything because he lacks knowledge of what he ought to do. We would think him a moral innocent. If he then suddenly were to know what is right and what is wrong, but formed no intentions regarding what he knew, we would begin to think his innocence greatly diminished. How could he not proceed to do more than simply observe the world given his moral character and moral knowledge? If we add to that character and knowledge the intention to do what is right, we would think him on the right path, but if that were all he did, intend to do what is right, we would soon chastise him for apparently having no capacity to act on his good intentions. If we then add his doing what is right to these characteristics of having a good character, knowledge of what is right, and an intention to do what is right, we would begin to applaud. Our only moral hesitation would come if his understanding of what is right did not include at least the obviously predictable consequences of his action. Only if he took all those into consideration, a possibility he could only have with fairly extensive experience, would we think him in the moral zone.
This thought experiment may sketch an impossibility. It may not be possible to have a moral character without knowing what is right and what is wrong, or without intending to act on what we know. Or it may not be possible to act without knowing at least the immediate consequences of our action and have that act count as in any way moral. These sorts of concerns arise because the relations between the five characteristics have not been examined, but however that may be, we can see that being in the moral zone is no easy matter. Our moral act must flow from our good character, as a result of our intention to do it, knowing that it is the right thing to do, and all this with no seriously adverse consequences.

Being in the moral zone thus looks to be an heuristic ideal, something to strive for and not something we can readily achieve. We all presumably have character flaws of some sort or other. We often do not have time to think through what we are doing, or the possible consequences, let alone consider alternative courses of action, and even our past experience may not help in the all-too-common situation where we are surprised by an awkward event for which we have no ready response. So it should be no surprise to realize, as athletes do, that we are, if ever, rarely in the zone and no surprise that our failure to be in the zone does not prevent us from doing what is right any more than not being in the zone prevents an athlete from playing and even from playing very well indeed.

It is a very different question, and one I will not respond to here, whether at least some feature necessary for being in the moral zone is necessary for us to do what is right. Is it enough to intend to do what is right even if we fail to do it? Is it enough to do what is right even if we intended to do something else? To answer these sorts of questions we would need to examine and weigh the competing ethical theories.

The three main contenders for the right moral theory focus on different features that must be present to be in the moral zone. Virtue theory focuses on our character, arguing that we are born unformed, as it were, and must aim to form ourselves throughout our lives into a virtuous person, with just the right characteristics—courageous when necessary rather than foolhardy or cowardly, gracious in response to what others do for our benefit rather than boorish or obsequious, and so on. Deontological theory focuses on what goes on in us when we think through what it is we ought to do, ignoring our character and even what we end up doing, to concentrate upon the decision to do what is right and the reasons we have for coming to that decision. Utilitarianism focuses on what we do and its consequences, assessing moral worth by
an act and its consequences. Each theory thus picks out a feature or set of features of what is necessary to be in the moral zone and makes that feature or set of features all that is necessary for morality.

I will not fasten on any one moral theory. Each has its advantages, obviously, as well as disadvantages the advantages of the other theories highlight, but my description of what it is to be in the moral zone is meant to capture our ordinary understanding of when moral criticism is, and is not, appropriate. Buying into a moral theory at the beginning means that we shall see only those aspects which the theory tells us are morally relevant. So I ask that we put them to one side and focus on being in the moral zone.

When we look at what being in the moral zone requires, we can see that the picture of applying moral principles to the world does not begin to capture the complexities of what it is to be moral. If we add to the complexities I have just articulated the additional moral relations we end up having when we become professionals, or when we consider public policy matters rather than simple ethical acts like lying, we end up with a world richly suffused with ethical considerations, our world, that is, where that simple picture looks decidedly simplistic.

I should emphasize that I do not suggest that we must be in the moral zone to be moral any more than a basketball player must be in the zone to score. We can succeed, more or less well, without achieving that heuristic ideal. That ideal sets a standard that allows us, among other things, to pull out all the variables for what matters morally. It also sets a standard by which we can gauge our successes and our failures and determine what we need to do to reach the zone, and it tells us the ways in which we can succeed and fail. It also gives us an insight into what to look for when we come to consider real problems we can have in this world. We will turn to one case to illustrate that point and to show how that simple picture can blind us to the real problem and to potential solutions. Doing applied ethics involves much more, we shall see, than seeing that something is ethically problematic and determining what ethical principle applies to it.

3. AN ILLUSTRATIVE CASE

It takes little examination of the kinds of problems that plague us as individuals or professionals to realize how truly simplistic is the picture some hawk about the relation between morality and reality. It is true that some do not keep their promises and that we can properly chastise them
for failing to abide by a simple moral principle to keep their promises. It is true that some lie and that we can properly chastise them for not telling the truth. But these are not difficult cases, not the ones that have us trying to figure out how to be in the moral zone in this world, and not the ones we regularly contend with as we work our way through the complexities of our lives and our work.

Consider the following example drawn from a social worker’s practice:

The Death of a Baby

Sue had just bathed their five-week old son, Jack, and put him in the middle of the double bed when one of their other three children called. She left Jack with her husband, Hal, who was playing with him when she left.

When she returned she found Jack lying beneath Hal, who was sound asleep, and all she can remember is that Jack was blue and she had to pry him out from under her husband, who did not awaken.

She called 911, and what followed were three days of intensive care at the local hospital and then at the intensive care unit of the nearest major hospital. It took the medics 10 minutes to get a heartbeat back when they first arrived after Sue called, and Jack had sporadic brain waves for awhile, but he was declared brain dead on the third day.

The physician ordered a drug test on the baby and a body scan to see if there were bruises or broken bones. Nothing unusual showed. So the physician wanted to call the death a SIDS, a sudden infant death syndrome of the sort that can occur to a child while sleeping in a crib.

The social worker involved, Deborah, thought that wrong. She had discovered the details of the “accident” while trying to calm the parents, and she was puzzled by how Hale could have fallen asleep on the baby. “There is an explanation. We just don’t know what it is. There are some missing pieces here.” Sue said that Hal had had two beers, and Hal admitted he had been drinking. But Jack was a big baby—11 pounds at birth and 13 pounds at five weeks. It seemed odd that Hal would not have sensed Jack’s struggles as he tried to get air. But she did not think Hal had intentionally suffocated his son. He showed great remorse and guilt, he had stayed at the hospital the three days it
took Jack to die, and the family seems a good family. They cared for their other children, and there were none of the usual causes of family disruption. He had a job, they had insurance, and so on.

Deborah felt she had a dilemma. If the death were reported as suspicious, Hal would be investigated, the family might lose their other children, and they had clearly suffered a great deal already. But if the death were reported as a SIDS, a death that had an explanation would not be explained. “The doctor would be stretching the definition of SIDS.” More important, she felt she might be countenancing a situation in which the other children might be harmed. Unfortunately, a death certificate must be filed within 48 hours after death, and so Deborah had little time to make a decision about what to do.

This is a complicated case, and Deborah’s understanding is that she faces a dilemma. She has to choose between reporting the death as suspicious or saying nothing, and both choices have their downsides. If she reports the death as suspicious, the family will undergo intense scrutiny from Children’s Protective Services, including, and not limited to, the loss of their other children for at least some period of time plus the stigma of suspicion that will forever remain. If she says nothing, she will be an accessory to a crime, making out a false death certificate, and perhaps put the other children at risk. If we look at the problem as a dilemma, that is, she has a terrible choice to make, and the problem looks to be anything but simple. Indeed, even “reporting the death as suspicious” turns out to be a complicated matter. The law requires that suspicious deaths of infants and children be reported to Children’s Protective Services, but Deborah could tell the physician and leave it to him to report it to Children’s Protective Services. So besides determining whether to say anything, she has to determine whom to say it to.

It has become commonplace, unfortunately, to refer to moral issues that individuals face as dilemmas, a result, perhaps, of that simple picture where one of the main problems is determining which of several principles to apply. It is true that whenever we have a moral problem, we must make a choice. Even doing nothing constitutes a choice. But there are at least three problems with referring to the moral issues we face as dilemmas.

First, a moral theory purports to provide a unified method for determining what is right from what is wrong, and, unlike scientific theories, moral theories purport to be complete, providing answers to all moral
problems. A true moral dilemma can occur only if the moral theory is incomplete. No proponent of any of the leading moral theories—deontology, utilitarianism, or virtue-theory—accepts that there are true moral dilemmas. So calling the problems we face moral dilemmas tells such proponents that we simply do not understand the moral issue properly. If we did understand it properly, we would see “the one true path” the moral theory mandates. If we insist that the problems individuals face are dilemmas, we trivialize them from the point of view of theorists because they cannot be “real problems.” It would thus be hard even to get a hearing for the claim that we can come to philosophical truths by examining such problems.

Second, referring to the moral problems we face as dilemmas misdirects our attention away from the features of the problem I shall argue we should be examining and focuses it instead of what seems to be an insurmountable obstacle: how are we to decide between two options, equally bad? Flipping a coin might seem the most rational solution if that were our problem. Seeing our problem as a dilemma can simply tie us up intellectually and practically. If the choices seem evenly matched, and both are equally undesirable, or desirable, as the case may be, we readily can find ourselves like Buridan’s ass, placed midway between two stacks of hay, equally desirable. It is difficult to see even a possible solution when the options are mutually exclusive and seem evenly balanced in all aspects. That is why giving someone a false dilemma can be so effective in corralling a person’s thoughts into a narrow confine. “Shall we have nuclear power or more coal-fired plants?” That particular false dilemma should be easy to surmount, but not one so powerful that it seems to leave no other alternative. Casting our problem as a dilemma leaves us weighing the pros and cons of this alternative or that with no obvious way of resolving our indecision. We will not starve, like Buridan’s ass, but will end up spinning our wheels instead of doing what we must to resolve our difficulty.

Third, referring to the moral problems we face as dilemmas forces the kinds of moral problems we face in our world into a single mold, and it is a mold that does not fit even those problems that arise because we are unsure what moral principle to apply. That is, even within the framework of that simple picture, referring to the problems we face as moral dilemmas will make us miss what it is we need to do to resolve the problem. There are at least two other kinds of moral problems that we face on a regular basis and that we also face in this case.
a. Factually problematic cases: These are cases where we simply do not have enough information to make a decision. If Deborah knew that Hal was prone to fits of violence, for instance, that would permit her to break through her apparent dilemma. It is the state of her information—what she knows and does not know—that creates her dilemma, and her uncertainty about what to decide is in part due to her concern that there is information out there—“There are some missing pieces here,” she says—that would determine an answer.

It seems, in fact, that she has a dilemma, if she does, only because she lacks information that would help her resolve the case. Rather than consider which of two equally plausible alternatives she ought to choose, she needs to find out what she needs to know to resolve the case. Seeing her problem as a dilemma directs her away from the problem she has, namely, filling in the gaps in information that make it seem to her that she faces a dilemma.

b. Conceptually problematic cases: One oddity about the case is that it turns out to be a contentious issue whether a parent ought, or ought not, to lie in bed with a baby and, particularly, to sleep with a baby in the same bed. Some may think that Deborah ought to inform Children’s Protective Services just because Hal ended up on the bed with Jack. It would be irrelevant to them whether Hal intended to sleep; by getting on the bed, when he was ready to sleep, he put the baby in a position where it could be smothered.

When I have discussed this case with professionals and others, the split is almost even, about half finding it perfectly reasonable and even recommending that parents have their young children in their bed with them, especially for nursing mothers, and half finding it wholly unreasonable and dangerous because a parent may smother the baby, as Hal did Jack. Each group seems to think the other group simply does not understand the situation, and the discussions about this always begin, at any rate, with statements like “But look, you know, when you’re asleep, you’re asleep and might roll over on the baby without even knowing it!”—as though those who think it perfectly acceptable do not understand something as simple as that when you are asleep, you are asleep. When individuals who disagree begin to give that sort of reason—stating the obvious, as though those who disagree must not see the obvious—we have a different kind of disagreement than occurs when they disagree about the facts, for instance. The problem is a disagreement about what constitutes due care regarding an infant, and it is the concept of due care that is at issue.
If the dilemma we face arises because we are uncertain about whether anyone should be in their bed with their baby, then it is not going to be determined by seizing on the dilemma and wrestling with the alternatives to see which is better, or worse. We are going to have to examine what constitutes due care for newborns. That is a question about the concept of due care, about what it means, in the context of a sleeping baby, to provide the baby with due care. Such questions are not oddities in the sense that they do not often occur. Lawyers owe due diligence to their clients, for instance, and many ethical problems in the law arise about whether this or that constituted due diligence on the part of the lawyer involved.

That the question of what constitutes due care is contentious in the way it is, with half thinking one way and half another, is evidence that we are not going to get much clarity. Conceptual analysis will not yield a ready answer. But there are questions we can ask. Would Children's Protective Services think it acceptable? What does the law in the state say about the matter, if anything? These are questions with answers, although perhaps not timely enough answers for Deborah, who has, after all, at most 48 hours after Jack's death to make a decision and probably a lot less time since physicians are prone to file death certificates quickly to get the case off the books rather than delay the full 48 hours when there is no call for delay.

We need not concern ourselves with what Deborah did to understand that she has many more moral problems, and of different kinds, than she should have if that simple picture we were considering exhausted our moral world. Our moral world is much richer than that picture gives it credit for.

4. OUR RICHER MORAL WORLD

Deborah can succeed in being moral in this case, according to that simple picture, only if

- she recognizes that something is ethically problematic, and
- she applies the ethical principle that tells us what is wrong.

But this statement of what she must do to be successful morally catches only a small part of what she must do to be moral, and it completely ignores the moral issues she faces in trying to decide what to do.

Here are some examples, in no particular order, of the sorts of moral issues she needs to address, none of which fits the simple picture
of recognizing something as ethically problematic and then finding the right ethical principle to apply:

1. She must consider how she is to relate to the family members, and to the father in particular, given that she is suspicious and thinks that there is more to Jack's death than what she has been told. She has obligations as a social worker to care for the family, but her obligation to report her suspicions means that she will need to probe them for more information. Combining that probing with a caring attitude is not going to be easy, but seems morally required.

2. She must back her suspicions with more than just a gut feeling that something is not right. She must provide some evidence that would justify the gut feeling. Otherwise, without good reason, she would be subjecting the family to great harm—the loss of the children to Children's Protective Services, for instance, for a probationary period while it examined in detail whether the parents have harmed, or are likely to harm, those children and the suspicion that would fall on the parents and Hal in particular in their small town once the word gets out about Children's Protective Services having been called in after Jack's death.

3. In trying to figure out what happened, she will need to contact those who can provide her with helpful information—Hal's employer, the family physician, acquaintances in the small town where the family lives—but she must do so without thereby causing the family or Hal any additional harm. The family is already distraught, and if it was an accident, putting Hal under a cloud of suspicion would be unfair in the extreme. So she needs to figure out how to approach these individuals in a way that will be helpful for her, but not raise undue suspicion about Hal and his family.

4. If she decides to contact Children's Protective Services, or inform the physician, she must be careful how she couches her report, with her judgment about what happened carefully nuanced by the hesitations she has about making a report at all, and she will need to consider whether any nuances in such a report will have any effect at all on what Children's Protective Services does and, if not, what she ought to do to mitigate the harms that will come.

5. She needs to consider how what she does, or does not do, will affect her relations with others in the hospital. Social work practitioners are generally low on the totem pole in such settings, and she will want to make sure that whatever she does does not make it harder for her to get a hearing for other cases. What she does in this case will become a precedent, whether she means it to or not, and so one moral issue she faces
concerns the long-term effects of her decision, a matter not wholly within her control.

These are just five moral issues Deborah faces that are not captured in that simple picture. That simple picture makes her an observer in the moral scene—rather like Sara, observing how the ugly girl was treated and assessing whether that treatment was right or wrong. But Deborah is not an observer of the case. She is a moral agent in the case, and how she acts is a matter of moral choice. She is not facing dilemmas when she approaches the family to comfort them and also assess Hal’s responsibility for what happened, if any. Like a physician with both a good bedside manner and an excellent capacity to discern mechanical faults in our bodies, she is striving to combine ways of relating to others that could readily be in tension.

So that simple picture does not capture the moral problems Deborah faces. It also fails to capture the kind of decision making she must go through to come to a resolution. That simple picture makes it sound as though the only decision she needs to make concern the fit of an ethical principle to a particular situation—like an umpire calling a ball or a strike. But matters are far more complicated than that.

Deborah faces a time frame that is pressing. A physician must sign a death certificate within 48 hours after a death. That is two days, but Deborah is not likely to have two days before she must act, either asking the physician to hold off on signing the death certificate while she hunts for further information or saying nothing and letting the physician put down SIDS. Without her asking for a delay, the physician has no reason not to sign the death certificate immediately and clear the case.

Asking for a delay is not a morally neutral act. The physician is making a medical judgment in putting SIDS as the cause of death, and Deborah, in asking him to delay, is implying that the judgment may be mistaken. Why else, the physician will think, would she ask for a delay? But Deborah is not a physician. In asking the physician to delay, she is suggesting that her judgment about the cause of death is as likely to be valid as the physician’s. The physician may not have any problems with that, depending in part upon what reason Deborah provides for a delay, but her asking for a delay moves her from a position of caring for the family as they deal with the death to a position of investigator at least as qualified as the physician, though for different reasons, to determine the cause of death. Putting herself in that position is not a morally neutral act.
Even with a delay, any decision she makes will be anything but a
determination of which ethical principle properly applies to the situation.
She simply does not have the time to investigate the situation thoroughly,
and even if she did have the time, she might not be able in the end to
understand it fully enough to make a judgment about what went wrong
or be sure that she knows everything she needs to know to make a proper
decision. She must instead make a decision based on likelihoods—the likeli-
hood of Hal’s having purposefully killed his son and the likelihood of its
being an accident.

The epistemological problem she faces is not that of knowing that
the death was morally problematic and then determining what about it
was problematic by figuring out which moral principle fits the case. The
epistemological problem she faces is that of making a decision in the face
of uncertainty about what happened.

She is not then doing anything unusual. We make decisions like that
all the time. Just consider driving and the sorts of judgments we must
make as we move along, constantly judging. Any action we engage in,
from driving to walking to sitting down, is based on an assessment of
probabilities, casually and often not consciously done, but, still, an assess-
ment.

Just so for Deborah, and in making a decision in the face of uncer-
tainty, she will need to choose between various decision procedures.
Again, we do this all the time. When we flip a coin to settle something,
we are adopting a procedure, flipping a coin, to make a decision. Her
decision procedure will be more complex, but essentially similar. She
must decide, as it turns out, whether it is better to settle for known harms
than to risk catastrophic harms.

Consider the downside of informing and of not informing. If she
informs, and Hal was not responsible, he and his family will suffer con-
siderable harm. If she does not inform, and Hal was responsible, she puts
the other children at risk of significant harm, up to and including death.
So which is worse? She knows that the family will suffer considerable
harm if she informs. She is concerned that the children will possibly die if
she does not, but she does not know that they will be harmed in any way
at all.

Choosing between knowingly causing harm and possibly preventing
harm is not an easy matter, and much will depend upon the kinds of
harm being caused and prevented and the magnitudes of each. The
choice is not morally neutral. We pursue thoroughly different courses of
action depending upon the decision we make. It is also not a choice
between competing moral principles. She is in any case trying to avoid unnecessary harm, and her choice is highly dependent upon an assessment of likelihoods, on the one hand, and, on the other, a judgment about how we ought to make decisions in cases of uncertainty when the stakes of a mistake are enormously high.

That choice between the two decision procedures is in part an epistemological problem—though not the kind the simple picture focuses on—and there is neither an easy nor, I think, a general answer to such a problem. When CFCs (chlorofluorocarbons) were linked to the loss of the ozone layer, the international community acted quickly to ban their use. The harm that could result was so massive that even without definite proof of CFCs being the crucial causal agent, it was reasonable to ban them. But if the sort of harm is different? Or the risk is greater or less? It is not easy to say, and it is a matter for philosophical investigation.

5. CONCLUDING REMARKS

The simple picture implied by the term “applied ethics” is thus unfortunate. It impoverishes our understanding of our moral world and our understanding of what philosophers concerned to examine our moral world should be doing. There are epistemological problems, but not just of the kind the simple picture focuses on, and there are moral problems, but not just of the kind the simple picture requires. Our moral lives are far more complicated than the picture suggests, and the role of philosophers concerned about our moral lives is correspondingly far more interesting, raising questions of epistemology, for instance, that go far beyond the issue of determining whether problematic behavior is or is not of this sort or that.

I will not hazard a supposition about why philosophers have come to that term, applied ethics, but if we look at the sorts of moral problems we have in our lives, we can quickly see, I think, that the term is inadequate to cover either the nature of our moral world or the nature of the issues philosophers can and should address.
I was a Medical Humanities Fellow at the University of Tennessee Medical School in Memphis, and in one case there, the lead physician spent about ten minutes explaining to the interns and me what was wrong with the very elderly woman on the bed while we stood around the bed, paying careful attention. The woman kept fluttering her hands, and it became clear to at least two of us that she was embarrassed at having seven men standing around her bed when she lay there with her covers drawn down and her gown drawn up to her neck. She was trying to pull her gown down, but didn’t have the physical ability to do that. The lead physician never even noticed. Nothing about what he told us required that she be exposed in that way.

I have slipped into using “moral” here in place of “ethical,” but I recognize no difference between the two that is relevant to the issues addressed in this paper. I shall use one or the other, depending on what sounds better in the context.


This is a rough sketch for which I will not give an argument here. I do think it is exhaustive, but I have, for instance, ignored the relations between these elements even though I will later speak of doing what is ethical as a reflection of our good character.

Clark Clifford was the consummate Washington insider, an advisor to many presidents and Secretary of Defense under Lyndon Johnson, among other things. In his later years, he became chairman of First American Bankshares, secretly controlled by the Bank of Credit and Commerce International, accused of a variety of crimes from money laundering and bribery to arms trafficking and tax evasion. Clifford claimed not to know that First American Bankshares was controlled by BCCI, but reaped $6 million in profits from bank stock he had purchased with an unsecured BCCI loan. As he put it to a *New York Times* reporter, “I have the choice of either seeming stupid or venal”–a lifetime worth of good character undermined by a single circumstance.


This is case 1.1 in *Ethical Decision Making in Social Work*, Linda Reeser & Wade Robison (Needham Heights, Massachusetts: Allyn & Bacon, 2000), pp. 2-3. The book, each of its chapters and all the cases examined are available as pdfs for free at http://www.rti.edu/cla/ethics/SWEthics.html. We ask only that you cite the source if you make use of the text or any part of it.

For an extended discussion of how we ought to make decisions in such cases, see my *Decisions in Doubt: The Environment and Public Policy* (Hanover NH: University Press of New England, 1994).