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THE HOW OF ETHICAL DECISION MAKING

John W. Kleiner

INTRODUCTION

From a broad perspective, it is good for Lutherans to look at ethical decision making because this is a matter we have sometimes tended to neglect. To focus on the specifics of the ethical life, such as decision making, could be seen as diverting attention away from the central theological motif of justification by grace alone through faith alone, and therefore it was problematic. Certainly the Christian life was important, but the important thing about it was the motivation for the Christian life, the *why* of Christian ethics. Undue attention to the *what* of the Christian life—the content, the actual decisions that were made—or to *how* they were made was dangerous because of the possibilities of legalism and works righteousness.

Another theological consideration that militated against concern for ethical decision making was the controlling theological understanding that sin continues to be an overwhelming reality in the world, and even for the Christian one cannot say more than that she continues to be involved in the struggle against sin and is at the same time both saint and sinner. (Note: Throughout this paper I have chosen to use the pronoun “she” where “he” would traditionally have been used. I do this in a deliberate effort to raise our consciousness on the issue of sexist language.) This emphasis on the ambiguity of existence has made us Lutherans into what Robert Jensen, in the Fall 1983 issue of *Dialog*, has called “the virtuosos of moral stasis.”¹ He writes, “Nobody can say with such dialectical elegance on such deep theological basis

1. Robert W. Jensen, “The ‘Sorry’ State of Lutherans,” *Dialog* 22: 280.

as can we: There are few blacks or whites. Our fate—this side of the Kingdom—is to choose among greys. And of course there are no clear rules for doing that!”

In a world of greys, Lutherans have questioned the importance of their ethical decisions, and so they have often failed to decide and failed to act. Thus Jenson writes, “Had it been left to the German Lutherans, Hitler would have retired full of years and honor. Had it been left to the Lutherans of St. Louis, whites would still be wallowing in acknowledgement of the sin of our continuing slaveholding . . . And if it is now left to Lutheran position papers, we will all just have to learn to love the bomb and be unjudgmental about abortion.”

Jenson continues, “It is not that Lutherans have not loathed Hitler, slavery, injustice and war, or are now in love with slaughter. Our ethics are about the same as those of other Christians. It is just that we normally cannot see our way clear to acting on our moral insights.”²

I hope that in this presentation on how ethical decisions are made, we can move beyond this static, quietistic ethical stance of much of Lutheranism.

But the topic of “The How of Ethical Decision Making” does more than simply direct our attention to decision making in ethics. By raising the question of how, it suggests that the process whereby we come to our decisions needs attention as well. Again, such concern draws attention to what has been perceived as a weakness, but this time in much of mainstream Protestant ethics in North America in the twentieth century. (Here I am excluding Lutheran ethics from the mainstream). For while Lutheran ethics has continued to have problems with decision making and action, most North American Christian ethics in our day has focused on these things: What is the right action? What ought I or what ought we do? Attention has been directed to the doing of deeds and the making of choices and to specific moral issues and problems in particular situations. But although there has been this stress on an ethics of doing, the question of how we decide what action is good/right/just/responsible/appropriate/loving has tended to be left rather vague.

Situation ethics, for example, which was one of the major recent trends, was greatly concerned with doing—with decisions and actions—but Joseph Fletcher’s injunction to “do the loving thing,” one of the classic statements of situation ethics, was not very enlightening about how one did that or what it might be. Situation ethics’ main contribution (and it was an important one) was to remind us that our will must be rightly oriented, our motive for actions and decisions must be loving, but it did not offer much insight into what should be done so that our loving will would be well directed. Numerous critics commented on the fact that the loving motive and the moral commitment to do the loving thing still left them wondering what should be done about problems of war and violence, environmental pollution, racism, economic injustice, sexism, and any number of other difficult issues that face contemporary human beings. To suggest this shortcoming in the situation ethics approach is not to call into question the element of motive/good will/moral commitment. It is simply to suggest that other elements need to be addressed within ethics. Philip Wogaman, in a book entitled *A Christian Method of Moral Judgment*, has argued that along with the more subjective element of will and moral commitment, Christian

2. Loc. cit.

ethics needs to find a place for the mind and moral judgment and rational assessment. In this way we would get beyond situationism's more or less intuitive ethics and would begin to see what Christian faith implies should be done if our loving will is well directed.³ By raising the question of how ethical decisions are made, we are addressing these important questions that need to be addressed.

LET THE LISTENER/READER BE AWARE!

The introductory comments above have laid out two issues that I shall address in this article on the how of ethical decision making. The first is the peculiarly Lutheran problem which Robert Jenson has labelled "moral stasis," that is, moral inaction, or perhaps—to be more subtle—a dialectical balance in ethics that is so delicate that the ethical tightrope walker is frozen into absolute inactivity. The second issue is the desire to go beyond an intuitive ethical stance and to hold up for conscious consideration those factors that need to be considered if the ethical process is to be as responsible and comprehensive as it should be.

These two issues have already begun to point us in a certain direction. The questions I have asked and the issues I have raised have begun to reflect the individual nature of this presentation. Any understanding of how ethical decisions are made will tend to be limited to offering insights on how *I* make ethical decisions. It is both inevitable and desirable that any statement reflect the person who is making it. It is important to be clear about this. When I present my model for the doing of ethics, I am aware that it is no value free, objective presentation. There are objective statements here, it is true. I believe someone could take the bare bones of this model and put rather different content into it; but as I spell out the model, it is *my* content that is going into it, and so you are being pulled in the direction of *my* ethical decision making.

As part of the process of making my stance clear to you, let me say three things as additional background information:

(1) My approach to the topic under discussion is shaped by the fact that I consider ethics to be a serious and demanding academic discipline. It deals with complex issues and situations, often of a very technical nature. It requires expertise not only in ethical and theological thinking, but also in the specific area under consideration. The ethicist proposing to deal with an issue in medical ethics, for example, needs to be well informed in medicine as well as in ethics. I have tried to be involved as an ethicist in relation to the issue of uranium mining, and I have seen the many issues that are touched on: the politics of uranium mining, the economics, the health hazards, the environmental pollution, the social implications for the Northern communities where the uranium is mined, and so forth. Each one of these is an area in itself, and yet the ethicist makes statements that touch on all of them! Unfortunately there are no shortcuts, and if we want to be involved seriously in these issues we have to do our homework. To compound the problem, factual knowledge has to be balanced with good judgment; one has to recognize, for example, that having done one's homework in medical ethics does not make you the same kind of expert as is a highly trained medical practitioner.

The complexity of ethical decision making is reflected not only in the fact that the

3. J. Philip Wogaman, *A Christian Method of Moral Judgment* (London: SCM, 1976), chap. 1.

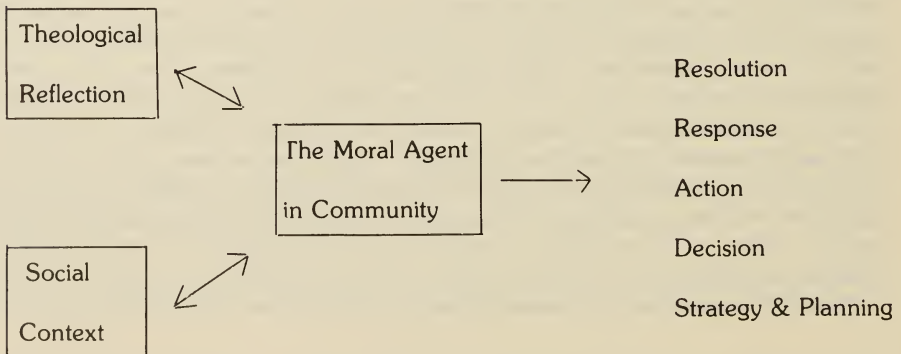
ethical decisions require a good deal of expert knowledge, but also in the fact that the experts are not the only ones who should be involved in the ethical process. Ethical questions are human questions, they involve the discussion of values and not just facts. The subtitle of E.F. Schumacher's book *Small is Beautiful* reminds us of the human dimension of ethical thinking: *A Study of Economics As If People Mattered*. Ethics assumes that people matter and, therefore, the people involved in the ethical process should also be those who are affected by the issue. The process of involving both the people and the experts is not an easy one but it is a necessary part of the how of ethical decision making.

(2) I hope that my concern for social justice and for the linking of faith and justice comes through in this paper loud and clear. I believe that this concern or bias, if you will, grows out of the Bible's prophetic combination of faith and justice and is, therefore, a bias that should be shared by other Christians. But I also realize that other Christians read the Bible in different ways and that my bias again represents who I am personally and where I am in the social context.

(3) Basically I am going to leave it to the listener/reader to decide if my presentation on the how of ethical decision making is staunchly Lutheran. During my nine years of teaching ethics at the Seminary I have both appreciated the insights of the Lutheran tradition and been frustrated by them in this particular area. At this point in my reading and thinking, the specifically Lutheran input is not heavy. I believe that my approach meets the significant Lutheran test that it be faithful to the witness of the Scriptures; but whether I have rightly distinguished Law and Gospel or whether I am guilty of confusing the spiritual realm and the temporal realm, that is something I will leave to you to decide. I am reminded of Joseph Fletcher's story of the St. Louis cabbie who, when he was confronted with the fact that he had broken a long standing family tradition of voting for a certain party, said: "There are times when you have to set your principles aside and do the right thing!"

A MODEL OF ETHICAL DECISION MAKING

As a tentative, working model for ethical decision making, I would propose the following:



The two boxes on the left—"Theological Reflection" and "Social Context"—remind one of Karl Barth's statement that Christian ethics should be done with the Bible in one hand and the newspaper in the other. Undoubtedly these terms were Barth's shorthand way of referring to what we have more broadly designated "Theological Reflection" and "Social Context." Since Lutherans have not been biblicists, they have seldom argued that the Bible alone (or theological reflection alone) provides the necessary "input" for ethics. Granting that the Christian life is lived in the temporal realm and that reason is a legitimate and necessary instrument for living one's life in this world, the Lutheran ethicist has been at least theoretically predisposed to take seriously the broad social context of one's life as a factor in ethical decision making.

The arrows leading to and from the boxes labelled "Theological Reflection" and "Social Context" direct our attention to what appears to be the central element in this model, namely, the box labelled "The Moral Agent in Community." The moral agent is the one through whose eyes and through whose experiences the Bible and the newspaper are read and interpreted. While Karl Barth could still apparently overlook the moral agent in the ethical equation and put all the emphasis on theological reflection and social context, such a position has become a virtual impossibility for us later in the twentieth century. The insights of the twentieth century have tended to be relativizing insights, and so we live with the inescapable awareness of our own genetic boundness, historical, geographical and cultural boundness, ego and id boundness, and (if we happen to be Christians and particularly Lutheran Christians) *incurvatus in se* boundness. All of these make us quite aware that the moral agent, the person, the self who reads the Bible and the newspaper carries with her all sorts of baggage that affects the way she hears the Bible and sees the events of her day unfolding before her.

It is my contention that if we consider the above three factors, namely, "Theological Reflection," "Social Context," and "The Moral Agent in Community," we will have laid the theoretical foundation which enables us to move towards the final component of our model which we have labelled "Resolution/Response/Action/Decision/Strategy and Planning." The possibility that our ethical responses will be good/right/just/responsible/appropriate/loving would appear to be greatly enhanced by this method because it takes into account the major factors that need to be taken into account in ethical decision making.

To spell out the implications of this model, I will devote some attention to each of its parts.

Theological Reflection

My comments on this component of the model will be rather brief in view of the fact that another article will be devoted entirely to this subject. However, there are two considerations that relate to the matter of theological reflection that are particularly important for the ethical orientation that I am trying to develop here, and I want to put them forward at least in a preliminary way.

First of all, in relation to theological reflection in general and to the use of Scripture in ethics in particular, it is important to recognize that the biblical/theological component of our faith functions as much more than a mine of information about what the Christian response to this or that issue might be. Certainly there are elements within

the biblical and theological traditions which have that function and are helpful to Christians in that way. But beyond such a specific use of the Scriptures and the theological traditions for ethics there is the much broader and more general use of these resources in shaping the ethical orientation of Christians. As Christians encounter the whole range of the Scriptures and the theological tradition in family life, in worship, in symbols and pictures, their moral identities are being shaped. Bruce Birch and Larry Rasmussen speak of pre-ethical capacities such as sensitivity and empathy, trust and courage which are nurtured within the Christian community and which “exercise decisive influences on our conduct *prior* to our rational deliberation of specific choices around given issues.”⁴

The above comments lead me directly to my second point, namely, the importance of the Christian community for the whole ethical endeavour. When ethics is understood only as decision making and action, the individual Christian who is involved in such decision making and action on ethical issues may appear isolated and alone, especially if the community is perceived as interested only in its own inner life and worship. However, as Birch and Rasmussen again point out, decision making and action are only one part of the ethical dimension. Along with decision making and action and, in fact, as basic to such decision making and action, the Christian needs a community where her moral identity is shaped, where the ethical traditions of the community are remembered and handed down, and where there is an opportunity for moral deliberation.⁵

Social Context

Social context could—and does—refer to the facts and figures surrounding any ethical issue. Obviously if we want to make a significant comment on an issue, we have to know what we are talking about. “Social Context” says that we have to know about the issue both in terms of its broad general context and also in terms of its more immediate situation, its *Sitz im Leben*. All human wisdom and knowledge, as they bear on the issue under consideration, are relevant and important; particularly the insights of the social sciences are coming to be recognized as necessary parts of the “how” of ethical decision making. Very few people would argue about the importance of this contextual dimension for any informed ethical decision making.

However, from my perspective, an examination of the social context calls on us to go beyond a *description* of the social context to an *analysis* of it. Social analysis is becoming something of a technical term; to engage in social analysis is to break society down into its economic, political and cultural structures (which include government, law, education, business, labour, church, family), into its societal divisions (which include race, sex, age, religion), and into its class divisions. At each point one asks sharp questions like: Who decides? Whose values are represented? Who benefits? Who pays? This analysis shows the diversity among the various compon-

4. Bruce C. Birch and Larry L. Rasmussen, *Bible and Ethics in the Christian Life* (Minneapolis: Augsburg, 1976), pp. 129-30; cf. James M. Gustafson, *Can Ethics Be Christian?* (Chicago: University of Chicago, 1975), chap. 3.

5. Birch and Rasmussen, pp. 127 ff.

ents, and yet it also shows that the components are all part of a single social system.⁶

My approach to an analysis of the social context has been based mainly on the insights and approach of Reinhold Niebuhr. To ethicists who are into liberation theology and ethics, his analysis seems rather tame and traditional; to those who are more mainline, he seems wild and radical. Standing as I do somewhere between these two groups, I find his insights stimulating and helpful.

According to Niebuhr's analysis, society is in a constant state of conflict. This conflict is a power struggle between the two major classes in society: the haves or the owners and the have nots or the workers. The haves are those who have the wealth and the power. Niebuhr believed that those who had the power would inevitably abuse it; they would use it to their advantage, thereby creating injustice. Furthermore, they would not relinquish their power voluntarily, and if they were challenged by the have nots, they would use force and coercion and even violence to retain their power. If the have nots wanted to challenge this power—and Niebuhr assumed they did—they would have to resort to the same means. Obviously, neither side used the power language we have been using here. To justify their position the haves would appeal to the social and ethical ideals of peace and order (which they could find documented in the Bible) and the have nots would appeal to the ideal of justice (which they likewise could find in the Bible).

Thus Niebuhr saw no value free ethical ideas or ideals; rather he felt that our ideas and ideals tend to reflect our place in society. Niebuhr writes: "The social and ethical outlook of members of given classes is invariably colored, if not determined, by the unique economic circumstances which each class has as a common possession."⁷ Are the clergy perhaps immune to such class bias? Niebuhr did not think so. He spoke of a "class standing between the owners and the workers, composed of professional people, clerks, small retailers and bureaucrats" among whom the clergy would seem to fall. He saw this group as "ambiguous in membership and social outlook," but he felt that in the crunch it tended to side with the haves.⁸

On the basis of Niebuhr's analysis I draw the following conclusions which have significance for the how of ethical decision making: (a) There is no neutral ground on which to stand; social analysis shows that one is either with the haves or with the have nots. If one is not consciously with the have nots, one tends to be co-opted by the haves. (b) To uphold the prophetic biblical ideals of justice and compassion is to opt for the ideals of the poor and the have nots. By taking this position one is challenging the injustice and oppression of the status quo and running all the risks that that involves.

The Moral Agent in Community

According to the model we have presented, theological reflection and social context are brought together in the moral agent. Thus in the moral agent we encounter a

6. Cf. Joe Holland and Peter Henriot, S.J., *Social Analysis: Linking Faith and Justice* (Maryknoll, NY: Orbis Books, 1983), and GATT-Fly, *AH-HAHI A New Approach to Popular Education* (Toronto: Between the Lines, 1983).

7. Reinhold Niebuhr, *Moral Man and Immoral Society: A Study in Ethics and Politics* (New York: Charles Scribner's Sons, 1960), p. 116.

8. *Ibid.*, pp. 115-16.

central cog in the machinery of ethical decision making and action. As mentioned earlier, the role of the moral agent has not always been recognized. More recently, however, many ethicists have been coming to realize that in addition to considering theological questions and the social context we must also consider the one who reflects theologically and who operates within a given social context; and, further, in addition to emphasizing the importance of decision making and action we must look at the one who is deciding and acting.

If one accepts the above arguments that the moral agent is a central theme for ethics, then one is forced to consider the kind of person the moral agent is—her motives, her dispositions or persisting attitudes, her intentions—and also the matter of the formation of the ethical person. According to Peter Berger and Thomas Luckmann in *The Social Construction of Reality* our selves are formed in a largely unconscious way as we interact with our world and internalize the traditions and teachings, the symbols and stories, and religious, social and cultural values that are found in our world.⁹ Through this process our basic perceptions of what the world is are shaped; we become persons who see the world in a certain way; we develop a particular outlook and orientation toward life which dispose us to act and decide in certain ways. In the course of time a self or character emerges which gives some continuity and predictability to our moral responses and actions.¹⁰

Those who are concerned about Christian ethics in general and about the how of ethical decision making in particular will have to give serious attention to these insights. If we expect Christians to emerge with motives, dispositions and intentions that move them in the direction of decisions and actions that reflect Christian faith and teaching, then we will have to make Christian images, symbols, stories, traditions and values a strong part of the socializing process of Christians. The reverse side of the coin is that we must recognize the danger that is posed to Christian ethics when persons internalize values and cultural norms that are at variance with Christian ethical traditions. If we expect mature Christians to make decisions and act in ways that indicate their awareness that Christianity stands in tension with many cultural norms and general directions in contemporary Western society, then Christian communities on all levels will have to be much more intentional in conveying signs and symbols of that counter-cultural stance to those who are growing up within the Christian communities.

The emphasis on the moral agent can be seen as something of a corrective. The focus on the moral agent and on the formation of the moral agent stresses an ethics of being: What kind of person is the Christian? What qualities and traits ought to characterize the Christian person or the Christian community? This emphasis stands over against the dominant focus on decision making and action, on an ethics of doing which has been characteristic of most North American Christian ethics in the twentieth century. Ultimately, the two thrusts have to be brought into a dialectical relationship. But in the meantime the emphasis on the self or on the moral agent reminds us

9. Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (Garden City, NY: Doubleday, 1966), Part I: "The Foundations of Knowledge in Everyday Life."

10. Birch and Rasmussen, pp. 86-90.

that being shapes doing just as truly as doing shapes being. Whereas the ethics of doing stresses Aristotle's insight that acts form character, and so our judgments and deeds reinforce certain dispositions and intentions, the ethics of being holds up Luther's theme that character informs actions—the good tree bears good fruit—and so our dispositions and intentions shape our judgments and deeds.¹¹

On a more explicit level, too, the moral agent impacts on the process of ethical decision making. When the actual deliberation is going on, the agent consults certain sources as she does her theological reflection and contextual analysis, and similarly neglects other sources. Among the sources used for her theological reflection some will be more authoritative than others for her. How she understands her authorities—as offering guidelines that are illuminative or principles that are prescriptive or rules that must be obeyed—will affect her ethical views. How she sees the ethical life—as a life of obedience, as a life of aspiration, or as a life of response—will obviously also influence her ethical stance. Similarly, the instruments of analysis that she uses to help her understand the social context, their ideological perspective or perspectives, will make their inevitable impact.

Finally, we should remember—as I tried to point out already in the discussion on “Theological Reflection”—that the Christian moral agent is not an isolated individual. She is part of a community that has shaped her ethical stance, that has ethical traditions which it carries forward, and that offers its members both formal and informal opportunities for discussion and deliberation on issues that are significant to them. Responsible ethical decision making will be decision making that reflects this community background.

Resolution/Response/Action/Decision/Strategy and Planning

Some of the terms in the smorgasbord title of this section seem to indicate that, having worked through the first three components of the model, we have now reached the end point, the point of the “Resolution” of the issue. On some issues this could indeed be the case. If the ethical question is a fairly well defined and limited ethical issue, such as “Can I ethically invest my money in such and such a bank?” the methodology that we have outlined should enable the ethically concerned person to decide whether or not to invest. However, if the issue is broader, for example, “How does one tackle the question of our banking system's complicity in the exploitation of people in South Africa?” the theoretical working through that our methodology suggests will only be part of the answer. The person who has worked through the methodology we have proposed will still face the practical questions of how best to proceed to stop the exploitation, to work for more just and equitable relationships, etc., after she has reached some conclusions about what the ethical situation actually is and what general responses are called for. On such an issue this fourth stage is the stage of practical “Strategy and Planning.” Jose Miguez Bonino has defined strategy as “the art and science of developing and employing all the resources available for achieving the policy objectives previously defined.”¹² The methodology we have

11. Cf. James Gustafson, chaps. 2 and 3, and Birch and Rasmussen, chap. 3.

12. Jose Miguez Bonino, *Toward a Christian Political Ethics* (Philadelphia: Fortress, 1983), p. 100.

proposed should enable the concerned Christian to lay out some “policy objectives”; at this stage she then has to develop strategies which will begin to realize the objectives that were developed.¹³

It is important that we do not stop short of this final component of the ethical enterprise, falling victim to what Martin Luther King termed “the paralysis of analysis.” However, at the same time, we should also realize that the conclusions we reach as Christians—even when we have worked through issues carefully—will go in different directions. Such diversity is inevitable since we bring with us different configurations as moral agents and different social contexts. Thus we are faced with the need for Christians to reach decisions on ethical issues and also with the need for Christians to be free to disagree on those decisions. Richard John Neuhaus speaks winsomely in his *Christian Faith and Public Policy* of these two potentially conflicting realities and of the overarching unity that transcends them. I conclude with a fairly lengthy quotation from his work:

“Were Christians more faithful in exercising their public vocation, there would no doubt be many more groups pressing vigorously, and in diverse directions, on public policy issues . . . The role of leadership is primarily to stir up the gifts of reflection, reason, and public concern among the membership so that the many perspectives on public policy that Christian faith might generate will be manifest in as lively a fashion as possible . . . The unity of the church does not depend upon agreement on such questions but upon a common commitment to God’s will in the whole of his world, fully aware that our knowledge of his will is at best partial. In short, the church must nurture in its own life the pluralism which it espouses for society.”¹⁴

13. Don S. Browning, *Religious Ethics and Pastoral Care* (Philadelphia: Fortress, 1983), offers some helpful insights for this practical stage of the ethical enterprise. See especially chaps. 5 and 6.

14. Richard John Neuhaus, *Christian Faith and Public Policy* (Minneapolis: Augsburg, 1976), pp. 48-49.