*This article updates several previous pieces from the journal* Issues in Ethics *by Manuel Velasquez - Dirksen Professor of Business Ethics at Santa Clara University and former Center director - and Claire Andre, associate Center director. "Thinking Ethically" is based on a framework developed by the authors in collaboration with Center Director Thomas Shanks, S.J., Presidential Professor of Ethics and the Common Good Michael J. Meyer, and others.*

# Thinking Ethically

**Manuel Velasquez, Claire Andre,Thomas Shanks, S.J., and Michael J. Meyer**

Moral issues greet us each morning in the newspaper, confront us in the memos on our desks, nag us from our children's soccer fields, and bid us good night on the evening news. We are bombarded daily with questions about the justice of our foreign policy, the morality of medical technologies that can prolong our lives, the rights of the homeless, the fairness of our children's teachers to the diverse students in their classrooms.

Dealing with these moral issues is often perplexing. How, exactly, should we think through an ethical issue? What questions should we ask? What factors should we consider?

The first step in analyzing moral issues is obvious but not always easy: Get the facts. Some moral issues create controversies simply because we do not bother to check the facts. This first step, although obvious, is also among the most important and the most frequently overlooked.

But having the facts is not enough. Facts by themselves only tell us what *is*; they do not tell us what *ought* to be. In addition to getting the facts, resolving an ethical issue also requires an appeal to values. Philosophers have developed five different approaches to values to deal with moral issues.

**The Utilitarian Approach**
Utilitarianism was conceived in the 19th century by Jeremy Bentham and John Stuart Mill to help legislators determine which laws were morally best. Both Bentham and Mill suggested that ethical actions are those that provide the greatest balance of good over evil.

To analyze an issue using the utilitarian approach, we first identify the various courses of action available to us. Second, we ask who will be affected by each action and what benefits or harms will be derived from each. And third, we choose the action that will produce the greatest benefits and the least harm. The ethical action is the one that provides the greatest good for the greatest number.

**The Rights Approach**
The second important approach to ethics has its roots in the philosophy of the 18th-century thinker Immanuel Kant and others like him, who focused on the individual's right to choose for herself or himself. According to these philosophers, what makes human beings different from mere things is that people have dignity based on their ability to choose freely what they will do with their lives, and they have a fundamental moral right to have these choices respected. People

are not objects to be manipulated; it is a violation of human dignity to use people in ways they do not freely choose.

Of course, many different, but related, rights exist besides this basic one. These other rights (an incomplete list below) can be thought of as different aspects of the basic right to be treated as we choose.

- The right to the truth: We have a right to be told the truth and to be informed about matters that significantly affect our choices.
- The right of privacy: We have the right to do, believe, and say whatever we choose in our personal lives so long as we do not violate the rights of others.
- The right not to be injured: We have the right not to be harmed or injured unless we freely and knowingly do something to deserve punishment or we freely and knowingly choose to risk such injuries.
- The right to what is agreed: We have a right to what has been promised by those with whom we have freely entered into a contract or agreement.

In deciding whether an action is moral or immoral using this second approach, then, we must ask, Does the action respect the moral rights of everyone? Actions are wrong to the extent that they violate the rights of individuals; the more serious the violation, the more wrongful the action.

**The Fairness or Justice Approach**
The fairness or justice approach to ethics has its roots in the teachings of the ancient Greek philosopher Aristotle, who said that "equals should be treated equally and unequals unequally." The basic moral question in this approach is: How fair is an action? Does it treat everyone in the same way, or does it show favoritism and discrimination?

Favoritism gives benefits to some people without a justifiable reason for singling them out; discrimination imposes burdens on people who are no different from those on whom burdens are not imposed. Both favoritism and discrimination are unjust and wrong.

**The Common-Good Approach**
This approach to ethics assumes a society comprising individuals whose own good is inextricably linked to the good of the community. Community members are bound by the pursuit of common values and goals.

The common good is a notion that originated more than 2,000 years ago in the writings of Plato, Aristotle, and Cicero. More recently, contemporary ethicist John Rawls defined the common good as "certain general conditions that are...equally to everyone's advantage."

In this approach, we focus on ensuring that the social policies, social systems, institutions, and environments on which we depend are beneficial to all. Examples of goods common to all include affordable health care, effective public safety, peace among nations, a just legal system, and an unpolluted environment.

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Appeals to the common good urge us to view ourselves as members of the same community, reflecting on broad questions concerning the kind of society we want to become and how we are to achieve that society. While respecting and valuing the freedom of individuals to pursue their own goals, the common-good approach challenges us also to recognize and further those goals we share in common.

**The Virtue Approach**
The virtue approach to ethics assumes that there are certain ideals toward which we should strive, which provide for the full development of our humanity. These ideals are discovered through thoughtful reflection on what kind of people we have the potential to become.

Virtues are attitudes or character traits that enable us to be and to act in ways that develop our highest potential. They enable us to pursue the ideals we have adopted. Honesty, courage, compassion, generosity, fidelity, integrity, fairness, self-control, and prudence are all examples of virtues.

Virtues are like habits; that is, once acquired, they become characteristic of a person. Moreover, a person who has developed virtues will be naturally disposed to act in ways consistent with moral principles. The virtuous person is the ethical person.

In dealing with an ethical problem using the virtue approach, we might ask, What kind of person should I be? What will promote the development of character within myself and my community?

**Ethical Problem Solving**
These five approaches suggest that once we have ascertained the facts, we should ask ourselves five questions when trying to resolve a moral issue:

- What benefits and what harms will each course of action produce, and which alternative will lead to the best overall consequences?
- What moral rights do the affected parties have, and which course of action best respects those rights?
- Which course of action treats everyone the same, except where there is a morally justifiable reason not to, and does not show favoritism or discrimination?
- Which course of action advances the common good?
- Which course of action develops moral virtues?

This method, of course, does not provide an automatic solution to moral problems. It is not meant to. The method is merely meant to help identify most of the important ethical considerations. In the end, we must deliberate on moral issues for ourselves, keeping a careful eye on both the facts and on the ethical considerations involved.

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# Is It Time to Rethink How We Use Touch in the Studio?

Kathleen McGuire
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From our creative movement classes to our final bow, dancers' bodies are handled countless times by teachers, choreographers and other dancers. Because physical contact is so omnipresent in dance, it has traditionally been assumed that when you enter the studio you have agreed to be touched. But we live in a changing time when consent is getting the credence it deserves, largely because of the #MeToo movement's exposure of abuse both inside and outside of dance. And since the dance world has temporarily gone virtual due to the coronavirus pandemic, many artists and teachers are being forced to rethink the role of touch in their practice.

Most professions that use touch—such as massage therapy and acupuncture—are highly regulated. But in dance, many people find themselves in teaching or leadership roles with little or no training on the issue. While touch is an indisputably valuable tool, it should not overshadow the autonomy of the human beings in the room.

## Why Touch Is So "Touchy"

According to psychologist Jo-Anne La Flèche, who teaches psychopedagogy and dance psychology at L'École supérieure de ballet du Québec in Montreal, touch relates to our earliest stages of development in the mother's womb. "We are never indifferent to touch," she says. "It goes well beyond conscious communication. That is even more true in a situation like dance, where power has been given away to leadership."

La Flèche cites recent research by Drs. Paula Thomson and Victoria Jaque that found the prevalence of post-traumatic stress disorder symptoms at a rate of 25 percent among dancers. We cannot ignore that one in four dancers is living with a history of trauma, says La Flèche, whether it was sustained in a dance setting or not. "We have to learn how to touch," she says, "because if we don't, we can do a lot of damage without even realizing it."

## Ongoing Consent

The assumption that a dancer is okay with being poked and prodded does not honor them as individuals with their own complex lived experiences.

"You have a right to your body," says Frances Chiaverini, dancer and co-founder of Whistle While You Work, a platform that calls out harassment in dance. "As soon as you walk into the studio as a child, you are giving up that right to the authority figure in the room," she says. "To learn that at a young age is dangerous because you don't know how to create physical boundaries."

La Flèche says that obtaining consent should begin at the beginning of a new season or semester, but should be confirmed each time. It's as simple as saying "May I touch you?" (In yoga, sometimes students can communicate that they don't consent with a visual cue, such as placing a sticker on their mat.) "To invite other people to say yes or no is giving them agency," says Chiaverini.

## Alternatives That Work

In 2018, the parents of a young dancer reached out to Miami City Ballet School instructor Francis Veyette to ask if he could coach their daughter over Skype. Shortly after, Veyette and his wife, MCB principal soloist Lauren Fadeley, started Veyette Virtual Ballet School—years before virtual learning would become the new norm due to the pandemic.

"We have to be very clear in our communication," says Veyette. He uses imagery and exercises to help students retain concepts. For example, if Veyette wants a student to find their adductors, he will ask them to try to rotate their thigh bones forward without using their seat muscles. He says it takes longer to coach a student without touch, but the results have been surprising. "We find that we are not the first teachers to ask them to turn out, but it might be that we are the first teachers to tell them how to turn out," he says.

These same methods can be implemented when students don't consent to touch. La Flèche also suggests using objects or peers to achieve the desired correction: If a dancer is slouching in à la seconde port de bras, ask them to lie on the floor and feel all the places it touches their back. Or if both dancers are comfortable, use a peer dancer—which is far less emotionally loaded than a mentor—to place their hands on the upper back and help correct the student. "And then the student touching is receiving all kinds of information that is helpful to them as well," she says. Non-consent doesn't have to mean the end of a correction or idea. "This is a creative art form," Chiaverini says. "There are a myriad of ways to find another option."

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# What is Ethics?

**Manuel Velasquez, Claire Andre, Thomas Shanks, S.J., and Michael J. Meyer**


Ethics is based on well-founded standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, or specific virtues.

Some years ago, sociologist Raymond Baumhart asked business people, "What does ethics mean to you?" Among their replies were the following:

"Ethics has to do with what my feelings tell me is right or wrong."
"Ethics has to do with my religious beliefs."
"Being ethical is doing what the law requires."
"Ethics consists of the standards of behavior our society accepts."
"I don't know what the word means."

These replies might be typical of our own. The meaning of "ethics" is hard to pin down, and the views many people have about ethics are shaky.

Like Baumhart's first respondent, many people tend to equate ethics with their feelings. But being ethical is clearly not a matter of following one's feelings. A person following his or her feelings may recoil from doing what is right. In fact, feelings frequently deviate from what is ethical.

Nor should one identify ethics with religion. Most religions, of course, advocate high ethical standards. Yet if ethics were confined to religion, then ethics would apply only to religious people. But ethics applies as much to the behavior of the atheist as to that of the devout religious person. Religion can set high ethical standards and can provide intense motivations for ethical behavior. Ethics, however, cannot be confined to religion nor is it the same as religion.

Being ethical is also not the same as following the law. The law often incorporates ethical standards to which most citizens subscribe. But laws, like feelings, can deviate from what is ethical. Our own pre-Civil War slavery laws and the old apartheid laws of present-day South Africa are grotesquely obvious examples of laws that deviate from what is ethical.

Finally, being ethical is not the same as doing "whatever society accepts." In any society, most people accept standards that are, in fact, ethical. But standards of behavior in society can deviate from what is ethical. An entire society can become ethically corrupt. Nazi Germany is a good example of a morally corrupt society.

Moreover, if being ethical were doing "whatever society accepts," then to find out what is ethical, one would have to find out what society accepts. To decide what I should think about
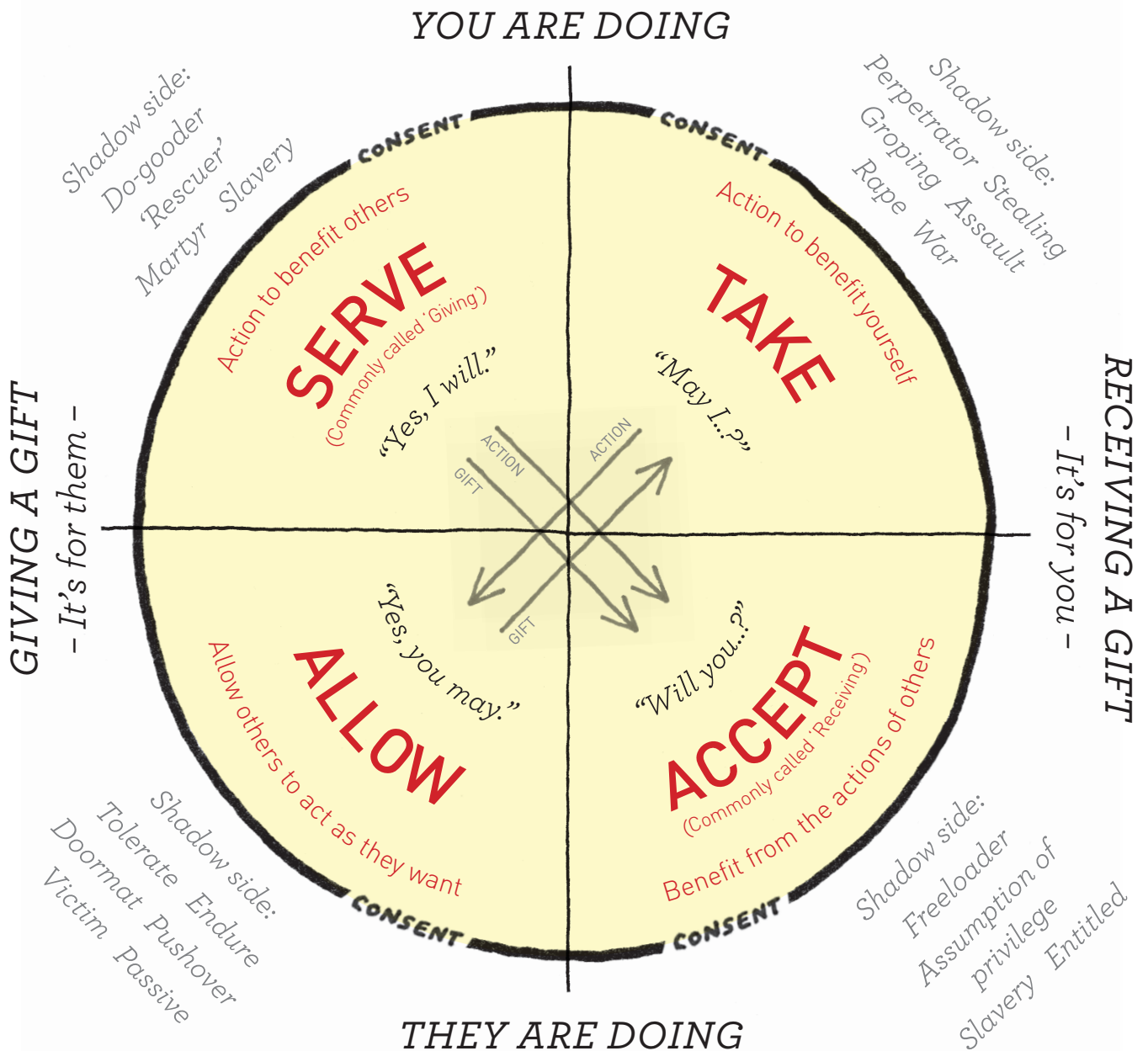

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abortion, for example, I would have to take a survey of American society and then conform my beliefs to whatever society accepts. But no one ever tries to decide an ethical issue by doing a survey. Further, the lack of social consensus on many issues makes it impossible to equate ethics with whatever society accepts. Some people accept abortion but many others do not. If being ethical were doing whatever society accepts, one would have to find an agreement on issues which does not, in fact, exist.

What, then, is ethics? Ethics is two things. First, ethics refers to well-founded standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, or specific virtues. Ethics, for example, refers to those standards that impose the reasonable obligations to refrain from rape, stealing, murder, assault, slander, and fraud. Ethical standards also include those that enjoin virtues of honesty, compassion, and loyalty. And, ethical standards include standards relating to rights, such as the right to life, the right to freedom from injury, and the right to privacy. Such standards are adequate standards of ethics because they are supported by consistent and well-founded reasons.

Secondly, ethics refers to the study and development of one's ethical standards. As mentioned above, feelings, laws, and social norms can deviate from what is ethical. So it is necessary to constantly examine one's standards to ensure that they are reasonable and well-founded. Ethics also means, then, the continuous effort of studying our own moral beliefs and our moral conduct, and striving to ensure that we, and the institutions we help to shape, live up to standards that are reasonable and solidly-based.

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# THE WHEEL OF CONSENT

*YOU ARE DOING*

*Shadow side:*
*Do-gooder*
*'Rescuer'*
*Martyr   Slavery*

*Shadow side:*
*Perpetrator   Stealing*
*Groping   Assault*
*Rape   War*

CONSENT — CONSENT

Action to benefit others

Action to benefit yourself

**SERVE**
(Commonly called 'Giving')

*"Yes, I will."*

**TAKE**

*"May I...?"*

*GIVING A GIFT*
*– It's for them –*

ACTION — ACTION
GIFT — GIFT

*RECEIVING A GIFT*
*– It's for you –*

*"Yes, you may."*

*"Will you...?"*

**ALLOW**

Allow others to act as they want

**ACCEPT**
(Commonly called 'Receiving')

Benefit from the actions of others

*Shadow side:*
*Tolerate   Endure*
*Doormat   Pushover*
*Victim   Passive*

CONSENT — CONSENT

*Shadow side:*
*Freeloader*
*Assumption of*
*privilege*
*Slavery   Entitled*

*THEY ARE DOING*

In any instance of touch, there are two factors: who is doing and who it's for. Those two factors combine in four ways (quadrants). Each quadrant presents its own challenges, lessons and joys.

The circle represents consent (your agreement). Inside the circle there is a gift given and a gift received. Outside the circle (without consent) the same action becomes stealing, abusing, etc.