One Way or the Other

Real Life Ethical Decisions

By

Arthur Dobrin

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Introduction

In the fall of 1960, my father told me, "You can go to any college you want—City College, Brooklyn College, Queens College. It's up to you." What he meant was that these tuition-free colleges were all our family could afford.

Following an older friend's advice, I applied to CCNY, where he was already a student. I was accepted and ready to begin in the spring. Shortly before the end of the term, my homeroom teacher at Stuyvesant High School presented a loyalty oath for me to sign.

At that time such pledges were commonplace throughout the country, ever since the Red Scare at the end of WWI and crescendoing during the McCarthy period of the 1950s. Many public-school teachers, other government employees and even those in private businesses were required to publicly declare their fealty to the government as a condition of employment.

New York City's oath-signing requirement for a diploma began in 1935. As a contemporaneous article in the Vassar *Miscellany News* explained, "A diploma will be denied to any high school student who refuses to take an oath of loyalty to the Constitution of the United States and the State of New York." The article continued, "Although the Board of Education does not have the power to refuse a regent's certificate to a student who has satisfactorily passed their examinations, the right to obtain a diploma has been reserved for those who 'comply with the conditions prescribed by the Board of Education,' according to The New York Herald-Tribune."

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Despite the wide-spread use of such pledges, I really hadn't given them any thought. So being asked to sign a pledge came as a surprise to me. Not my older brother, not my friend, not a single person had said a thing about the oath. Only years later did I learn that, in fact, the oath was an issue for some of my classmates. In a Stuyvesant commemorative book, I read that the administration had censored articles in our school newspaper against signing a loyalty oath.

I read what my teacher had put before me. I hesitated for a moment before returning it to him. When I did, I said, "I'm not going to sign this."

Surprised by my response and realizing that I was serious, he said, "You have to!"

"No, I don't," I replied.

I think my impertinence was inspired by the unruly graduation ceremony the previous year. Students heckled and hissed our unpopular principal who, in turn, canceled the event on the spot, sending students home without their diplomas. They had to return the following week to pick them up from the school's office. The ruckus was a page one feature story in the NY *Times*.

The day after my passive protest I was summoned by the dean's office to meet with my college advisor.

"If you don't sign," the big man with a deep voice warned, "you won't receive your diploma. I see you've applied to City College."

"I've already been accepted," I said proudly.

"City College requires a diploma. You'll graduate, but you'll receive a certificate, not a diploma. Sign it or CCNY will withdraw your acceptance. A certificate isn't good enough."

I sat there silently. I hadn't expected this.

"Tell me. Why won't you sign?"

When I recovered my voice, I said that it made no sense. If I was loyal, signing a piece of paper was unnecessary. If I wasn't loyal, I'd quickly sign as a way of deflecting my disloyalty. It proves nothing.

"You stand to pledge allegiance every morning in the classroom, don't you?"

"That's different," I responded, not sure exactly why it was but it felt that way. It also felt different than my participation in another absurd requirement: a swim class although we didn't have a pool or drivers ed without a car.

"It isn't up to students to decide which rules to follow," he chided. "What I'm telling you, and I don't know how to make this any stronger, if you want to go to a city college, you *must* sign."

He put the paper in front of me. I gave some thought, then left his office without signing.

Over the weekend, I ruminated on my defiance, keeping it from my parents, not discussing it with anyone. xviii Introduction

The *Miscellany News* says that as far as the New York City superintendent of schools knew "the issue was an entirely theoretical one; no cases of American citizens refusing to take the oath of loyalty had been brought to his attention. He said he couldn't see why a student receiving an education from the government should refuse to take the loyalty oath; he considers a student who persists in not signing to be one of bad character."

My refusal wasn't theoretical for me, and the superintendent was wrong about the nature of someone who wouldn't sign. I appreciated my public education and looked forward to more of it at CCNY. A forced statement of loyalty and appreciation for what the government had given me weren't the same thing. Neither did I think my character was wanting. Rejecting the oath wasn't teenage rebelliousness. While my reason may not have been the greatest ethical principle, as it wasn't a matter of moral conviction but a concern for my integrity, at least it was reasonably motivated. I was taking a stance against meaningless rules, a petty tyranny. If that meant confronting authority figures who promoted such claptrap, then I knew I was doing the right thing.

On Monday, when I returned to school, I told my homeroom teacher that I was ready to sign. Losing the opportunity to go to college was simply too steep a price to pay. Putting my objection aside, I capitulated and scribbled my signature.

As I reflect on my few days of minor defiance, I regret that I lacked sufficient nerve to see my protest through. I wonder if I was what Thomas Paine, an American Revolution pamphleteer, called a 'summer soldier' and 'sunshine patriot.' It was easy for me to take

a stance when I didn't know there was a steep price to pay, but when confronted with not going to the college, I caved.

To this day I wish I had had more courage or at least had held out a bit longer. I say this, in part, because New York rescinded the requirement just a few months later and my classmates who graduated that June, not in January as I did, weren't presented with the loyalty oath. Whether I gave in out of cowardice or prudence I'll never know.

Would I do it again, if I had the chance? I think I'd probably make the same decision. The potential loss would likely be too great for such a small victory. There were other outcomes possible, but I can never know what lay down the road I didn't take. Another university may have offered a scholarship, for example, and my life could have turned out just as well.

If a student came to me today seeking my advice when faced with a similar dilemma, I would ask at least the following questions: what are you fighting for; what do you hope to accomplish; is there a more effective way to achieve your goal; are others willing to join you; what do you stand to lose; are the possible negative consequences proportionate to the goal?

Sometimes the price paid in taking a stance is too great. But to say this raises some fundamental moral questions, such as: what ethical principles do you hold most dear, what good can come from your action, and will you be proud of what you have done? When is self-protection justified, when is self-sacrifice morally required? xx Introduction

In this book, I've collected the stories of 127 people who, in their own words, made decisions about how to live their lives. I collected the anecdotes by asking, "Can you tell me about a time when you made a decision that had an ethical dimension?"

As Abraham Lincoln once said, "It's not the story itself, but its purpose, that interests me." Some anecdotes are seemingly trivial, such as whether Dorothy should refrain from serving a diabetic acquaintance a sweet dessert. However, even such a simple encounter points to important and difficult moral considerations, such as: should personal autonomy always be respected; is there a duty to protect others from self-harm; is what we owe others dependent upon our relationship to them or how old they are? If this were Dorothy's daughter or simply an acquaintance, would the responsibility be different?

Other stories are obviously profound, as when a doctor decides to let a person die. There are stories about risking one's job in order to do what's right and about risking one's neck to protect an innocent person, stories about bucking authority and those about going along.

The storytellers are young and old; they come from the Americas, Africa, Europe and Asia. A number of respondents are certain they've made the right decision, while others are less sure and may even have regrets. Several respondents paid a heavy price for their moral rectitude.

Many people I approached thought they had no incident worth relating. I don't believe this to be true. Everyone deals with ethical issues, although they may not define them that way and, therefore,

may not be aware of an ethical dimension to their behavior. But I didn't press the point and so have been turned down by many more people than have agreed to share their stories.

A few had anecdotes to relate but chose not to make them public. A surgical nurse is one such example. She knew that a sponge that had been left in a patient was the cause of the sepsis that brought the person back to the emergency room a week later. Although the nurse was obligated to report the incident, she kept silent. Given the power hierarchy in the hospital, she said to me, she was certain that she would be punished for the error, not the doctor.

Once a person agreed to relate the story, I provided little direction, offering no format to follow, no guidelines to adhere to, no limit on the length of the tale. Occasionally I asked a few questions for clarification before or even during recording the anecdote. The stories were related unrehearsed, although a few chose to script them. Wherever a name is in italics it is because the person didn't want their name to appear.

Most stories were originally recorded for The Ethics Project podcast, which I initiated for my media and business ethics classes at Hofstra University and can be heard on YouTube. Transcriptions of many recordings have been edited for readability, concision and clarity, as there is a difference in listening and reading.

The stories are organized into categories, more-or-less reflecting various schools of ethical theory: Immanuel Kant's respect for persons; Jeremy Bentham's creating the greatest good for the greatest number; Aristotle's emphasis upon virtue and good character; and Nell Noddings' stress upon caring for others.

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Since right and wrong, good and bad, virtues and vices, and degrees of caring frequently compete with one another and can overlap even within a single person, many stories could have been placed under other or multiple headings. A different author might have created different categories altogether.

Sociologist and physician Nicholas Christakis points out that "Even though people may have varied life experiences, live in different places and perhaps look superficially different, there are significant parts of others' experiences that we can all understand as human beings . . . All people find meaning in the world, love their families, enjoy the company of friends, teach one another things of value, and work together in groups." He could have added that everywhere people make judgments about what is most important and appraise each other's behavior in light of that. Every culture approves, rewards, punishes and condemns certain actions. It isn't too much to claim that every culture makes moral claims, and every person responds to them one way or the other.

What is it that we mean by morality and ethics? I take philosopher Kwame Anthony Appiah's definitions: "Morality is sometimes used to refer to how people should treat one another, ethics to cover not just moral considerations but also others that have to do with living a good life." Our story, he says, "isn't about morality alone; it's about ethics. It's not just about what we should do for others; it's about making a life for ourselves." Most importantly, "while it matters what we think and feel, morality, is, at its heart, about what we do."

In this book there are scores of stories about how people treat one another and how they go about trying to sustain what is good about their lives as members of the human community. In Appiah's terms, it is about both morality and ethics. I've conflated the two words and use them interchangeably, as synonyms.

Some respondents have given their choices much thought, while others not so much. All, however, have done something that affects their own lives and the lives of others around them. Several decisions are ethically ambiguous or even wanting and a few express regrets. Names in italics are pseudonyms.

From these real-lived experiences can come a greater understanding of what we care about, our motivations, the judgments we make about right and wrong, good and bad, and the actions we take as we live amongst others in our quest for a good life.

Part One

A Price to Be Paid

1. Lois finds a large sum of money

When I was about 13, during a shopping expedition in a large department store, I came across an unmarked envelope lying on the floor. When I opened the envelope—it wasn't sealed—I discovered that it contained about \$250. After deliberating for a few minutes, I decided to bring it to the store's lost and found. I don't remember there was a specific reason or a conflict about what to do with the money. It was just the right thing to do, although some of my friends said they would have kept the money or have taken some before turning it in.

I relinquished the envelope and provided my contact information. I was told that if no one claimed it, it would be mine.

A few days later I received a call from an emotional and very grateful woman. She explained that she had just cashed her welfare check and was so thankful that I returned the cash. She tearfully commented that my turning the envelope in reminded her that "not all teenagers are bad."

Interestingly, through the years when I tell this story, people often ask if she offered a reward. She did not and when this happened, I did not think of that at all.

2. Barry won't sell customers merchandise they don't need

I own a hardware store and I have people coming in asking me questions. Or they would like to have products that I would not

sell them. The reason I don't sell it to them is because they are products that they probably don't need.

I have this idea that I wouldn't like anybody to do this to me and show me merchandize that I really don't need.

We've been in business for quite a long time. When they do come in, I will tell him how to fix something or how to repair it rather than selling a new product.

It would be on my conscience if I didn't do the right thing. This is the way I feel about it. I just wouldn't do it any other way.

3. Brian R. is pressured to violate his principles

I was working in New York in one of the county departments that did a lot of work with children who were brought into the family court because of juvenile delinquency for drug abuse or brought into the family court by their parents for what they used to call incorrigible behavior—truancy, running away, that type of behavior.

I returned from having been sent by the county to get my master's in social work. Having received the degree, I returned to this work, which I found very frustrating because there was a lack of options in providing help to the children and their families. So I wrote a grant to to create some new options. The grant was successful and the county received several hundred thousand dollars over the course of several years. Having spearheaded this effort, I was in line to head up this new effort. I had been told that my chances

were good to receive to position. Having been recently married with a child on the way, I was quite excited about the possibility of several thousand dollars more a year.

Just before we began the program, I was called into the administrator's office in my department. I was told that the head of our department wanted to help me out and promote me, but he had a problem, and I needed to help him.

I was told that to receive the promotion I would need to change my political party affiliation to Republican. I was told that I needed to meet with the head of the local Republican Party and see how I could help out. The meeting lasted about 15 minutes. He was not really interested in any political convictions or interested in hearing about how I felt about local politics. He assumed that I was there because I was told to be, and he gave me a list of tasks that they had for me.

The dilemma I faced was that this was against everything that I stood for in terms of the political process. I was faced with the choice of turning down the promotion unless I did as he told me; I would not get the promotion or a salary increase which, in effect, would affect my family.

I also knew that I had an obligation to myself and that the pressure that was being brought to bear was illegal. This was not new. I had seen it happen before. Other people had made formal complaints to the point where the FBI I had come in and investigated but they were unsuccessful in turning up enough evidence to bring a case against either Nassau County or the Republican Party.

My decision was to not do as I was asked. I did not get the promotion. I did not get the job that I had created.

I have not regretted this. At the time it was a real dilemma for me, feeling the pressure that I did, about to be a father. Also, at that time the economy wasn't good.

Over the years I think that had I done anything else I would worry about compromises, making a compromise like this, even though it would help my family. I'm not sure what it would have done to me. It was real pressure though and I guess I would have to say I'm happy with the decision that I did make.

4. Dan refuses to accept a large tip

I've been in the restaurant business for approximately 35 years. I consider myself a professional waiter. This story is about people who over-tip when they're intoxicated. What happened in this case was that two gentlemen were in. The person who paid the check obviously had a lot more to drink than his guest. The tip alone on the check was approximately 25% to 30%, which is a lot of money considering the check was fairly high. On the way out, as some drunk people do, they think they need to give you more. He folded up a hundred-dollar bill and puts it in my hand.

I guess for ethical reasons or just not to give the restaurant a bad reputation, which would reflect on me also, I just had to give these guests the money back. They already tipped above and beyond the average. I just considered it the right thing to do because it was

going to leave a bad taste not so much in the guest's mouth, because I don't think he's going to remember anything, but in my mouth because it just wasn't right.

I find it wrong to accept the extra tip because the person is inebriated. They aren't really giving it because they want to. They give it because they probably don't even know they were giving it. Also, I didn't want to spoil the reputation of the restaurant, which I've been at for 13 years. It was only going to reflect well on the restaurant for what I did. So, you see why I did it, even though I could have put another hundred dollars in my pocket.

5. Dirty money challenges Joshua

I had been asked to head up an ashram, a religious community based on the Hindu faith, outside of Philadelphia. There might were about 50-to-60 residences, their families and some young students, some older people. A real working community. There's an area of Philly called South Philly. In years gone by, some seedy characters came out of that part of the city, a lot of drug-running and crime.

Somehow a group of 20-year-olds from South Philly ended up visiting the ashram. They would come for the Sunday programs, the feasts and the vegetarian meals and celebrations.

One day one of these fellows, who had been coming for a few months, showed up in my office with an attaché case and put the case on my desk and said, "That's for you." I said, "What do you mean it's for me?"

"It's for the community. It's a little gift."

I opened it and there was about \$200,000 in cash. I knew where the money came from, and I was faced with an interesting dilemma. The community at that time had very little income. There were children there, and there were repairs needed, and a new roof and plumbing. The community could have used a better grade of groceries There were all kinds of things that, frankly, \$200,000 would have gone a long way to cure.

I was faced with the challenge of figuring out what to do.

There were the external considerations and then I'll tell you what the internal consideration was. The external considerations were, one, I know where this money is coming from, and I don't know what the consequences are going to be if I take it. Will there be repercussions, are there strings attached, does this guy want favors in exchange for this money, what happens if it's traced, and we're found guilty of having somehow been complicit in criminal activity?

On the other hand, there was the obvious advantage of unmarked cash coming from a source who really didn't want anyone to know that the money had come from him. So why not use it?

An internal reason that made up my mind for me was that even if I could accept this money and get away with it, what's the message that I'd be sending to this young guy? The message would be that what you're doing is okay and I didn't want him thinking that a

place of worship was some kind of laundromat for his old karma. It would not have been at all good for him.

The money was given back but, as you can tell, years later I'm still thinking about it.

6. Kari invests in a socially responsible retirement fund

I decided to have my retirement fund be a socially responsible choice. The TIAA-CREF, which is a retirement equity fund, has something called Social Choice Equity Fund for retirement money. That was the only option I found as a faculty member to have my retirement money being invested in at least not the worst companies in regard to human rights, firearm production, alcohol, drugs (by which I mean illicit drugs), gambling, military, nuclear power, things like that, things that I don't really want anything to do with.

Sometimes I get questions from other people: why wouldn't you just go with whatever fund just brings you the most money in the future? I'm just thinking to myself and saying that that's not what counts for me.

I don't even bother to check much about how my social choice funds are doing compared to the other options because that's not what's important to me. I mean, to put it in simple blunt terms, I would actually rather be living in a Spartan way as a retired person than having material goods which I knew I had earned from my money being invested in practices that I don't support, such as

companies that can't really prove that they're not profiting from things like slave or child labor. That's the most important for me.

If there were no weapon production in the world, there would be no war. I know many people would say what a simplistic, a dull thing to say as a professor. But I don't think it is because if everyone thought like that, we wouldn't have the situation in the world that we have.

7. Marcia receives death threats

I chose never to have children. I grew up in a traditional Jewish home, although raised by an Ethical Culture family. I still had the expectations and traditions of my upbringing to pressure me into becoming a mother. I remember my grandfather saying it was such a shame if a woman couldn't have children!

In those days a woman choosing not to have children wasn't even a thought. After all, my grandfather lost five sisters in the Holocaust. He felt women should replace those lost souls.

How did I choose not to have children? I was 34. It was a book, *The Baby Trap*, by Ellen Peck. I opened it up and read it almost overnight, page-by-page, beginning to think that maybe it's okay not to have children. And maybe, after all, it wasn't such a shame. It was my life; it wasn't anybody else's life.

I never thought of having children as being that wonder filled. In fact, I thought it was difficult. My own baby sister came to me when

I was fifteen. Boy, did my eyes open wider everyday as I saw the day-to-day drama and challenges in raising a child. It was far from the fun experiences of playing "house" with my doll! I began to question whether this so-called biological destiny was for me. After reading the book, I felt acknowledged, I felt validated.

I became involved in the first national convention for non-parents. I was found by a producer of "60 Minutes" who said, "I hear you don't want to have kids and you're going to tell your in-laws. Can we come along?"

I said, "Sure! You can come along,"

I lost my job as a teacher and faced death threats because the last thing anybody heard was Mike Wallace, the narrator of the TV show, saying, "Pardon our perversion for airing this on Mother's Day. Good night, everyone."

So, I was a perverse teacher, probably hating children who should never go near me when, in fact, I was an impassioned teacher, loving what I did. I never expected the price I paid but it sent me on a path where I thought I've got to make other people understand that this decision is a very personal private choice. It is nobody's business other than those people making that choice.

I walk this path with pride and dignity knowing that ethically, morally, it was the right choice for me.

8. Gisselle loses customers

A problem I run into in the real estate industry is customers will say things like 'I don't want to live in this ghetto neighborhood. I don't want to live near Black people. I want a neighborhood that is heavy with Hindus, etc., etc.' They all specify exactly where they want to live, what kind of people they want to live around.

My real estate ethics tell me if they make a comment like that, I basically inform them that I can't touch that with a ten-foot pole but they have the option of driving by the property, driving through the neighborhood, and if they like it they can give me a call and I'll schedule to view the property for them.

I have lost customers when I take them to a property that is everything that they wanted but they see that they have maybe a Hispanic neighbor or a Black neighbor. For them, somehow in their minds it's an indication of status. The house is everything that they want in price, in criteria and character and because I took them there, they will say they don't want to work with me because I'm not following their orders. Because of their lack of education or whatever the case may be, they don't care about ethics. They want me to take them to a place that doesn't have this kind of people or that kind of people.

Money is money, but I'm 25 years old; I don't have kids; I don't pay rent; I live with my mother. If I have the opportunity now to stand by my morals, then that's the route I usually take, and I have lost customers for it.

9. Simon's move is a great sacrifice

I was born in Kenya, and I moved to the United States about 25 years ago. I came here to go to school. After settling and schooling and working in the United States, I find that there was a big sacrifice for separating from family, my parents, my brothers, my friends that I was not aware of initially.

When I moved to the United States, I just wanted to go to school and quickly return to Kenya, but as it turns out I did not do that. I settled down. Many of my friends who made the journey to the United States seem to end up in the same situation where you go to school and start working and then settle down here.

The ethical decision that seems to be a challenge for me was the separation from parents, friends and siblings. The average amount of time going back to Kenya is about once every four years or maybe three years. I find that after 25 years I have not seen my parents, my friends, siblings for more than three or four months continuous.

If I was aware of this challenge initially, probably my decision would have been different. The challenge for me is I see other young people who want to travel the United States. I can see that they are not aware of the challenge and sacrifice they are going to make.

I find myself unable to encourage them to make that decision because it's not easy to explain to them that once you move to the United States or England, you're not going to be able to see your parents, your friends for the rest of your life for more than just a