

Utilitarianism versus Kant

Case Three: Confidentiality

by
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1 Introduction

Have you ever watched a group debate an ethical decision given a particular case study with several different variations to the story? It is fascinating to watch. Some of the individuals feel so strongly about being "right" they will argue until they get their point across. Others waffle and try to look at the situation from a variety of perspectives. Given a particular Case Study based on terms of confidentiality, this paper compares the basis of morality under two alternative ethical systems -- Utilitarianism and Kantianism. We will explore the theory behind each ethical system, describe the facts of the Case, and interpret a course of ethical action using both ethical systems, and the significance of this dilemma.

I chose to examine the Utilitarianism and Kantianism ethical systems because at times they seem diabolically opposed based on the theoretical reasoning behind choosing a particular action. Yet, in many cases the chosen action is the same. For this particular case on confidentiality, a personal relationship attempts to complicate how to determine the morally correct action. I explore this correlation by comparing Utilitarianism and Kantianism.

Utilitarianism uses a relatively straightforward cost-benefit analysis where the calculation is "indifferent to persons and relationships (Dombrowski 2000:248)." Consequently, when using a Utilitarian system to examine what ethical action is appropriate everyone is "on equal footing (Dombrowski 2000:248)." This is somewhat of a simplistic view of how individuals make decisions; however, it is a simple view that allows you to make a somewhat unbiased decision. A decision not based on "rank, status, wealth, race, gender, or personal relationship (Dombrowski

2000:248)." Similar to Utilitarianism, Kantianism would also negate the significance of any personal relationships. The Kantian would do unto others, as they would consent to treating you. The one universal way to act should carry from person to person regardless of your personal relationship to that person.

Let us explore the similarities and differences between these two ethical theories. Next, we will take a close look at the facts of one particular Case Study where personal relationships do come into play. Then, we will compare how a Utilitarian and a Kantian might act and why. What motivates the decision-makers under each moral system?

2 Comparing Theory

2.1 Theory: Utilitarianism

2.1.1 Pleasure versus Pain: Utilitarianism is a somewhat general term for a variety of perspectives that all generally fall under the guise of this theoretical stance. In any case, I will attempt to summarize the major theoretical viewpoints of this ethical system. For the most part, Utilitarianism recognizes two absolutes in the world: pain and pleasure. Moral law follows the Principle of Utility, in other words, what motivates human beings. They found that Good has priority over the Right (Justice) (Griffin 2005, personal communication) and they make ethical decisions by determining "the greatest useful goodness for the greatest number of people (Dombrowski 2000:54)." Good equals happiness (pleasure) and alternatively bad equals pain or displeasure and has no value. Utilitarianism determines the right or correct action based on a formula that shows which action results in maximized good (happiness/pleasure). Maximized good takes into account all those individuals affected by the actions under consideration.

2.1.2 Cost-Benefit Analysis: Utilitarianism simplifies moral law to a quantitative calculation that determines ethical choice: Total Pleasure - Total Pain = Total Utility (Griffin 2005: personal communication). Utilitarianism uses a cost-benefit analysis to decide whether we tell or do not tell. We determine what is ethically

correct through an objective and quantitative measure of utilitarian goodness. "measure it for the appropriate number of people, compare it to measures of ill effects for the remaining people, plug it all into an algorithm, and calculate the solution (Dombrowski 2000)." Utilitarianism, born out of the technological and scientific revolution, uses a scientific approach to ethics. Theoretically, Utilitarianism does not take into account whose happiness is at stake and the action with the highest total utility is the correct action.

2.2 Theory: Kantianism

2.2.1 Sense of Duty: A sense of duty is the guiding principle to Kantian theory. Ethics does not come from a higher authority nor does it rely on the individual to weigh the competing interests of the participants in an ethical dilemma. Unlike Utilitarianism, Kant's ethical system represents a universal categorical imperative rule of ethics. The Categorical imperative is an expression of the moral law. The imperative is the correct, right, or good action taken in a particular situation. A categorical imperative "denotes an absolute, unconditional requirement that allows no exceptions, and is both required and justified as an end in itself, not as a means to some other end; the opposite of a hypothetical imperative (www.wikipedia.org)." In Kant's *Groundwork of the Metaphysic of Morals*, he outlines the Categorical Imperative in three different ways (www.wikipedia.org):

2.2.1.1 Universal Law formulation: "Act only according to that maxim by which you can at the same time will that it should become a universal law."

2.2.1.2 Humanity or End in Itself formulation: "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end."

2.2.1.3 Kingdom of Ends formulation: "All maxims as proceeding from

our own [hypothetical] making of law ought to harmonize with a possible kingdom of ends."

2.2.2 Reason versus Happiness: Kantianism recognizes Reason, not happiness or pleasure, is the foundation of moral law. Reason is the faculty of humans, which enables us to choose the principle, or rule on which we act (Griffin 2005, personal communication). The categorical imperative is an underlying moral system based on Reason, the integral link independent of a particular context -- it is universal. To understand the basis of morality (the existence of a moral law) you must look for it in the capacity for reason and not in the capacity for pleasure and pain. The very foundation of Kantianism is that you must treat people the way they would consent to you treating them the same way. Your act is universal with no contradictions. Kant considers immorality as the product of individuals trying to create a different standard for themselves compared to the rest of humanity. Immorality ignores the categorical imperative. The Right comes before the Good (happiness); in other words, there are moral constraints on what one may do to promote happiness. One has a duty to obey the moral law, and the moral law is not determined by figuring out what promotes happiness (Griffin 2005, personal communication). You cannot reduce humans to mere means -- treating someone is a way in which they would not consent.

3 Case Study Facts

3.1 Case Study Overview: "You are employed as a technical communicator by Caduceus Company, a major provider of software systems for the health care industry. Currently, you are working on help-desk instructions for a new software system that operates from a database accumulated from all the records of all the hospitals, clinics, HMOs, laboratories, and physicians in your state. These records carry a good deal of highly personal information on patients and are, of course, private and confidential. The revelation of some of this information to the wrong people could be seriously damaging for those patients. Improper release of this information could, for example, limit their employability, damage their reputations, or restrict their access to health

insurance at affordable rates. Part of your job, in fact is to ensure that confidentiality is maintained by all who use the system while preventing access to those who might misuse it.

Just yesterday, you learned of some shocking information. While observing the typical daily operation of the help-desk staff in resolving users' questions, you recognized the name of one of the clients called up on a screen. It is the name of your cousin's fiancé, and the entry indicates that he has tested positive for HIV and has received counseling about HIV and AIDS from a local clinic. You and your cousin are very close, and you are certain that she is unaware that her intended spouse has tested positive for HIV. The marriage is only a few weeks away. She would be highly endangered after marriage but also in their current relations without this knowledge.

Do you reveal this information to your cousin but violate the privacy and confidentiality that you have sworn yourself to and are legally obliged to maintain? Or do you keep the information to yourself but jeopardize the health and life of your cousin by preserving the deception by her fiancé (Dombrowsky 2000:238)."

3.2 Choices or Ethical Action: As I understand the case, there are really only three different courses of action to choose from.

3.2.1 Do not say anything at all

3.2.2 Reveal the truth to your cousin

3.1.1.2.1 Talk to your cousin

3.1.1.2.2 Write an anonymous letter to your cousin

3.2.3 Confront the potential fiancé

3.1.1.3.1 Talk to the fiancé and explain why he needs to tell your cousin

3.1.1.3.2 Threaten fiancé -- if you do not tell my cousin I will tell

4 Comparing the Application between Ethical Systems

4.1 To compare the moral significance of the above stated fact, I will look at the theory behind Utilitarianism and Kantianism to determine which action is the correct action.

4.1.1 Application: Utilitarianism

4.1.1.1 According to Dombrowski (2000), he suggests Utilitarianism is the most reasonable ethical approach to take due to the simplistic nature of the principles of the Utilitarian moral law. However, he also recognizes how it is hard to apply measurable, objective costs to the loss of the technician's job, professional reputation, "pain, suffering, violated trust, and a broken relationship (Dombrowski 2000:248)." In any case, I attempt to illustrate through the following Table (Table 1) what the Utilitarian application may look like.

Table 1. Utilitarianism Cost-Benefit Analysis

Choices	TOTAL PLEASURE -	TOTAL PAIN =	TOTAL UTILITY
1. Do not say anything at all	Keep job	Cousin gets HIV and dies Cousin's kids get HIV Cousin's marriage dissolves	Lots of pain by cousin = low utility
2. Reveal the truth to your cousin	Cousin does not contract HIV and lives	Lose job Company loses credibility You can not get a job	Lots of pain by technical communicator but cousin does not die = medium to high utility
3. Confront the potential fiancé	Keep job Cousin does not contract HIV	Fiancé is upset by having to discuss with cousin	Happiness for technical communicator and cousin, a little pain for fiancé = high utility

4.1.1.2 Examining the Table, you can see I have outlined three separate

choices, determined the total pleasure, total pain, and total utility. I was unable to determine an objective, absolute number to measure each factor, however, I did rank the total utility by low, medium, and high. As you can see, if the technical communicator chooses not to say anything at all, she would keep her job, but her cousin would most definitely contract HIV and her cousin could die from it or one of her kids could contract the disease. In any case, the cousins' marriage is most definitely going to dissolve once she finds out that her husband was not open with her from the beginning. Consequently, I ranked the total utility to LOW UTILITY due to the extensive pain the cousin would ultimately endure.

The second choice was for the technical communicator to reveal the truth to her cousin either directly or anonymously. The pleasure obtained from this decision would result in the technical communicator's cousin not contracting HIV and living (as a result of this situation). However, the technical communicator would probably lose her job, the company could lose its credibility and that could effect the jobs of other company employees, and the technical communicator may not be able to find another job because she breached her trust with the client and her company. The total utility, therefore, results in a lot of pain for the technical communicator. Fortunately, the cousin would not contract HIV and increase her risk of dying. Due to the nature of the utility -- death versus life, I ranked this decision at MEDIUM to HIGH UTILITY because the cousin would experience a great deal of happiness that would far exceed the unequal but opposite pain of the technical communicator.

The third choice, confront the potential fiancé, would result in

pleasure for the technical communicator because she could keep her job. In addition, the cousin is able to protect herself from contracting HIV. In contrast, the fiancé would be upset by having to discuss this difficult issue with his new wife. Due to these circumstances, I ranked this choice as having VERY HIGH UTILITY. The technical communicator is happy, keeps her job, and does not lose her cousin. Her cousin does not contract a life threatening disease. Yet, the fiancé experiences discomfort with having to discuss this relatively important issue with his new wife. Consequently, a Utilitarianist would find this last choice to be the best and most ethically correct choice.

Dombrowski (pg. 248) points out how difficult it is to reduce this case to a simple cost-benefit utility analysis for a number of reasons. Yet, the most poignant reason is the inability to neutralize the scenario and avoid the personal relationship the technician has with her cousin. Theoretically, the entire cost-benefit ratio should be the same no matter the personal relationship. However, I suspect your ethical action would tilt in a different direction should your motivations be driven by the patient's partner. If you do not know the patient's partner why would you risk your job, home life, and economic security for someone you do not even know. Is it really for the greater good? If so, why not find out everyone who has AIDS and post it on street corners? I am baffled by this strict compliance with the Utilitarian perspective.

4.1.2 Application: Kant

4.1.2.1 Kant would argue that we "should act as we would expect others to act toward us and in way that should have universal applicability (pg. 247)." You must treat people the way they would consent to you treating them the same way. Given that this decision could

result in a life-threatening situation, Dombrowski argues that of course the cousin would want to know and would consent to treating them the same way. Dombrowski suggests that this is quite probably a universal ethical law. Yet, Dombrowski also recognizes that "most people probably would agree that the seriousness of the stakes so heavily tip the ethical scales against the side of blind compliance with the law that the ethical judgement to disclose should be binding on all people in such situations (pg. 247)."

In this interpretation, the seriousness and/or life threatening properties of the case motivate the Kantian. This interpretation suggests that the Kantian is obligated to the cousin and not to the patient -- not because the cousin is a relative or has a special personal relationship to the technician. The technician is obligated to the moral universal law and would tell anyone should they find out.

However, Kantian Moral law also says a promise should be kept. So then, the technician's promise to her profession could take precedence over what appears to be the obvious categorical imperative. Kant might also agree with an ethical course of action where the technician approaches the potential fiancé and makes it clear that if he does not tell, she will tell her cousin. In this variation, the categorical imperative recognizes that revealing this information to the cousin is in clear violation with the law. By approaching the potential fiancé it also reduces the possible consequences because the outcome will ultimately result in your cousin finding out -- but not through you. As a result, the Kantian does not violate the law but also does what is ethically correct.

5 Conclusion

To summarize, Utilitarianism is an ethical system that proposes that "the greatest useful goodness for the greatest number of people" should be our guiding principle when making ethical decisions. In contrast, Kantianism suggests that the morally correct action is " an absolute, unconditional requirement that allows no exceptions, and is both required and justified as an end in itself, not as a means to some other end (www.wikipedia.org)."

In the Case of Confidentiality, both Utilitarianism and Kantianism found that the best and most correct choice was to confront the fiancé. In this scenario, "the presumed authority for methods & solutions is the profession meaning that personal ethics & religion do not have prima facie authority." Yet, for the Kantian I think it is hard to figure out how to prioritize the relationships between competing duties (expression of law) -- professional promise versus an individual ethics. I also wonder how your promise to your family to protect them and keep them safe plays into this account. However, the Utilitarianism cost-benefit analysis revealed how this ethical tradition takes into account all who are affected by the actions under consideration. As for the Kantian conclusion, the choice represented a universal expression of moral law. In both cases, the personal relationship did not and should not come into play as a significant fact. But I wonder, how this could possibly ever be the case.

REFERENCES

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