MODULE 4/5

Generating, Translating and Strengthening Ethical Arguments and Counterarguments
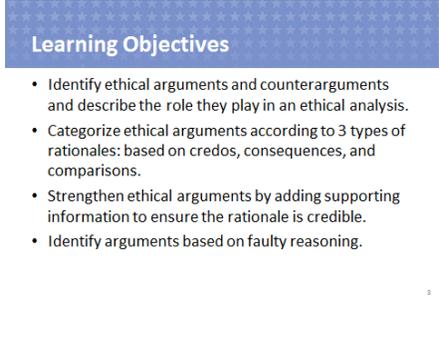
OBJECTIVES	By the end of this session, participants will be able to: ❑ Identify ethical arguments and counterarguments and describe the role they play in an ethical analysis. ❑ Categorize ethical arguments according to 3 types of rationales: based on credos, consequences, and comparisons. ❑ Strengthen ethical arguments by adding supporting information to ensure the rationale is credible. ❑ Identify arguments based on faulty reasoning.
RESOURCES	For the session: ❑ Slide presentation, laptop, and projector ❑ Participant handouts ❑ CASES pocket cards
PREPARATION	❑ Gather training resources and read through the session plan. ❑ Ensure that the laptop and projector are functioning properly.

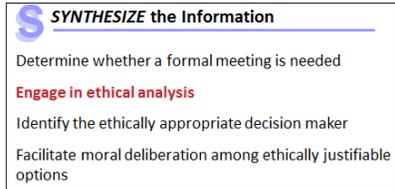| OUTLINE	SECTIONS	DURATION (MINUTES)
	1 Introduction	10
	2 Overview of Ethical Analysis	20
	3 Identifying Ethical Arguments	60
	4 Categorizing Ethical Arguments by Rationale	60
	5 Generating Ethical Arguments and Counterarguments	60
	6 Takeaways	15
	Total session time	**225 minutes**

U.S. Department of Veterans Affairs

Veterans Health Administration
National Center for Ethics in Health Care

1. Introduction (10 minutes)

Slide 1	**NOTE:** Have this slide up before the session begins.
Ethics Consultation Beyond the Basics National Center for ETHICS in Health Care / IntegratedEthics / VA HEALTH CARE EXCELLENCE	**CLICK** when you are ready to begin.
Slide 2 **Module 4/5** Generating, Translating and Strengthening Ethical Arguments and Counterarguments	**SAY:** The module has been redesigned. Originally we taught the skills for generating and strengthening ethical different types of arguments and counterarguments in Module 4 and then how to strengthening each type of ethical argument and counterargument in Module 5. Overtime we found this parsing unhelpful to learners and decided to rearrange the content to teach the entire process of generating and strengthening each type of ethical argument as one continuous process. During an ethical analysis ethics consultants weigh ethical arguments and counterarguments in order to determine whether a decision or action is or is not ethically justifiable. In this session, we will focus on how to generate, translate and strengthen the different types of arguments types needed in an ethical analysis. **CLICK.**
Slide 3 **Learning Objectives** • Identify ethical arguments and counterarguments and describe the role they play in an ethical analysis. • Categorize ethical arguments according to 3 types of rationales: based on credos, consequences, and comparisons. • Strengthen ethical arguments by adding supporting information to ensure the rationale is credible. • Identify arguments based on faulty reasoning.	**SAY**: We will begin with an overview of the steps in an ethical analysis and the role that ethical arguments play in the analysis. Then we'll focus on identifying ethical arguments and categorizing them according to three types of rationales: credo, consequence, and comparison. Then we will work to strengthen ethical arguments by adding supporting information to ensure the rationale is credible. We will then learn to identify arguments based on faulty reasoning. Finally, we will practice generating ethical arguments and counterarguments.

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Slide 4 **CASES Link** **S** _SYNTHESIZE_ **the Information** Determine whether a formal meeting is needed **Engage in ethical analysis** Identify the ethically appropriate decision maker Facilitate moral deliberation among ethically justifiable options	**SAY:** Please look at the CASES pocket card. It outlines the major steps and sub-steps of CASES. This module falls under Step 3 of the CASES approach, "SYNTHESIZE the Information." It addresses aspects of the second substep, "Engage in ethical analysis." **CLICK.**

Slide 5
 	
CASES Approach
 	
• Synthesize the Information
  - Determine whether a formal meeting is necessary
  - Engage in ethical analysis
    • Apply ethics knowledge to the assembled information
    • Generate and strengthen ethical arguments / counterarguments
  - Identify the ethically appropriate decision maker
  - Facilitate moral deliberation among ethically justifiable options
	SAY:
	
	Although we'll be primarily talking about ethics analysis, which occurs under the Synthesize step, critical information is organized, gathered and used to inform that ethics analysis in the Clarify and Assemble steps. As you know, the ethical dimensions of the problem are identified and defined in the clarify step where we generate the ethics question; the identification and application of relevant medical facts, patient's and others' preferences and interests, frameworks, theories and principles are gathered in the Assemble step. So as you know a lot goes into the ethics consultation, and considering the ethical dimensions and application of relevant ethics thinking is what we will emphasize in this module. In particular, we are focusing on a narrow slice of that process, that is, the generating and strengthening ethics arguments and counterarguments as part of the ethics analysis.
	
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2. Overview of Ethical Analysis (20 minutes)

Slide 6	**SAY:**
 The Black Box Ethics Question → "Black Box" → Response	When you don't have a lot of experience with ethical analysis, it may seem like a "black box" with a dark cloud of esoteric ethics knowledge hanging overhead. You may wonder how you're ever going to master all this information that has been developing over 2,000 years—especially when you have an ethics question on your desk that demands prompt attention. We're going to begin to unpack the black box and see what's inside. Luckily, you don't have to be an expert in all the various moral theories to develop effective arguments and counterarguments that will support a balanced, thorough, and high quality ethical analysis. **CLICK.**
Slide 7 **Ethical Analysis: Definition** The use of systematic methods of reasoning to apply relevant ethics knowledge to consultation-specific information for the purpose of responding to an ethics question.	**SAY:** What is "ethical analysis"? Here is one way to define ethical analysis in the context of ethics consultation. **READ** the definition from the slide. **CLICK.**
Slide 8 **Ethical Analysis: Steps** 1. Articulate important ethical arguments and counterarguments in a clear and compelling fashion. 2. Weigh the strength of each argument and balance competing arguments to yield a conclusion that responds to the ethics question.	**SAY**: Ethical analysis involves these 2 main steps: **READ** the 2 steps from the slide. **CLICK.**

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Slide 9	SAY:

Ethical Analysis: Steps
 	
1. Articulate important ethical arguments and counterarguments in a clear and compelling fashion.
   A. Generating ethical arguments and counterarguments
   B. Strengthening ethical arguments
2. Weigh the strength of each argument and balance competing arguments to yield a conclusion that responds to the ethics question.
	The first step can be further broken down into two substeps:
	
	READ substeps A and B from the slide.
	
	SAY:
	This module will focus on sub-step 1A and 1B.
	
	Step 2 is critically important but we will not cover that in this module. It requires consultants to weighs each argument and balance competing arguments to yield a conclusion that responds to the ethics question.
	
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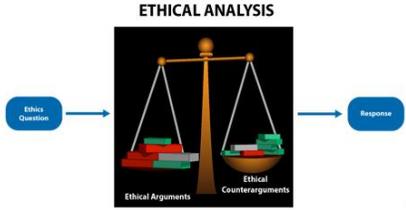
Slide 10	SAY:
Ethical Analysis ETHICAL ANALYSIS Ethics Question → Response Ethical Arguments / Ethical Counterarguments	Here's a graphical representation of ethical analysis. In this image, ethical arguments and counterarguments are represented by the bar-shaped weights on the scale. You will notice that some of the bars are bigger than others. In weighing and balancing ethical arguments and counterarguments, it is important to take into account the relative strength of each of the arguments. Ethical arguments can fall along a continuum from weak to strong and all should be considered. **CLICK.**

3. Identifying Ethical Arguments (30 minutes)

Slide 11	**SAY:**
What is an Argument? **Definition of an Argument** A set of claims that includes a conclusion and at least one rationale to justify the conclusion. **Definition of a Claim** Assertion or declarative statement.	So, what exactly do we mean by an "argument"? One meaning of an argument is a disagreement or quarrel. But when we're talking about an ethical analysis, "argument" has a different meaning – we will define it as: **READ** the first definition on the slide. **SAY:** What do we mean by a claim? A claim is simply an assertion or declarative statement. Please take out Handout 4/5.1 and complete the first question by indicating for each item whether or not it is a claim. Please do not proceed to question 2 or read ahead to the next page. I'll give you a minute to complete this. **ASK:** Can someone volunteer to tell me your answers? **ELICIT ANSWER(S):** That's right. The first and last items are claims; the others are not. **CLICK.**
Slide 12	**SAY:**
Example of an Argument This patient is at high risk of suicide because he has attempted suicide multiple times before.	Here's a simple example of an argument. **READ** the example from the slide. **SAY:** Notice that this argument contains 2 claims. **ASK:** What are the 2 claims? **ELICIT ANSWER(S):** Yes, the first claim is "this patient is at high risk of suicide" and the second claim is "he has attempted suicide multiple times before." **SAY:** Also note that by definition an argument includes a minimum of 2 claims – a conclusion, which is the claim that expresses the main point of the argument, and at

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	least 1 rationale, which is a claim used to justify the conclusion.
	ASK:
	In this example, which claim is the conclusion and which is the rationale?
	ELICIT ANSWER(S): Yes. The conclusion is "this patient is at high risk of suicide," and the rationale is "he has attempted suicide multiple times before."
	ASK:
	How do you know which is which?
	ELICIT ANSWER(S): The second claim is preceded by the word "because," which tells you it is being used to justify the first claim.
	SAY:
	Now please complete the second question on Handout 4/5.1 by indicating which items are arguments. Again, I'll give you a minute.
	ASK:
	What were your answers?
	ELICIT ANSWER(S): Only the last 2 items are arguments. Notice that in the last example there are 3 claims, 2 of which are used as rationales for the argument that you should quit smoking.
	CLICK.

Slide 13	**SAY:**
What Is a Claim?	Let's drill down further into claims. There are 2 different types of claims. Claims are either "descriptive" or "normative."
Definition An assertion or declarative statement. **Descriptive Claim** A statement about how something *is*. **Normative Claim** A statement about how something *should be*. **Example of Descriptive Claim** Most patients have never discussed their life-sustaining treatment preferences with their surrogates. **Example of Normative Claim** Surrogates should make life-sustaining treatment decisions based on their knowledge of patients' preferences.	A descriptive claim is a statement about how something *is*, while a normative claim is a statement about how something *should be* or *ought to be*. In other words, descriptive claims are stating something as a fact, while normative claims are expressing a value judgment.
	For example, a descriptive claim might be:
	READ the example of the descriptive claim.
	SAY:
	This claim is a descriptive claim because it is a statement about how something *is* in the world.
	Compare this to the example of the normative claim:
	READ the example of the normative claim on the slide.
	SAY:
	This is not about how something is, but about how something *should* be, which is what makes it a normative claim.
	CLICK.
Slide 14	**SAY:**
Descriptive vs. Normative Claims	Take a moment to read this table, which further illustrates the difference between descriptive claims and normative claims.
Descriptive Claim / **Normative Claim** What is / What should be Facts / Value Judgments True or False / Better or Worse Reality / Ideal World Informational / Evaluative Descriptive / Prescriptive Verifiable / Justifiable May be proven or disproven by empirical evidence or observations of the world / Cannot be proven or disproven by empirical evidence or observations of the world	**SAY:**
	Any questions? If not, please complete the third question on Handout 4/5.1.
	ASK:
	What were your answers?
	ELICIT ANSWER(S): The first and fourth are descriptive. Note that the fourth comments on the legality of assisted suicide, but there is no claim that this is a good thing or a bad thing, so it's not normative. The second is normative because it expresses what should be done, The third is normative because it expresses a value judgement and claims something that that cannot be proven or disproven

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by empirical evidence and the fifth one does not explicitly state that murder is bad, *but* it's pretty clear from the context, which is what makes it a normative claim.

SAY:

You can turn now to Handout 4/5.2, which includes answers to the questions on Handout 4/5.1, for your references.

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Slide 15

What Is an Ethical Argument?

Ethical Argument
An argument that a particular decision or action is (or is not) ethically justifiable.

Example of an Ethical Argument
It would be wrong to write a DNR order on this comatose patient without involving the surrogate because the surrogate has a right to decide whether or not this patient should be DNR.
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SAY:

Now that we've defined some basic terms, we are ready to talk about ethical arguments and counterarguments, which as you recall are the weights on the scale we used to represent an ethical analysis.

We are using the term ethical argument to refer to the special type of argument that is used in ethics consultations.

For the purposes of this training, we are going to define an "ethical argument" as:

READ the definition from the slide.

Here is an example of an ethical argument.

READ the example from the slide.

SAY:

Notice first that this is an argument because it has a conclusion and a rationale. All ethical arguments have to meet the definition of an argument.

ASK: What is the conclusion?

ELICIT RESPONSES: Correct. The conclusion is "It would be wrong to write a DNR order on this comatose patient without consulting the surrogate." The rest of the sentence, following the word "because," is the rationale.

SAY: This is not just *any* argument, but it's an *ethical* argument because it is arguing that the action "to write a DNR order on this comatose patient without involving the surrogate" is wrong, or in other words, is not ethically justifiable.

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Slide 16	**SAY:**
Identify Then Translate Ethical Arguments	During an ethics consultation many people express different and sometimes opposing points of views about what is right and what should be done.

Definition of an Ethical Argument
An argument that a particular decision or action is (or is not) ethically justifiable.

Standardized Format for Ethical Arguments
[Decision or action] is (or is not) ethically justifiable because [rationale].

Example of an Ethical Argument
It is ethically appropriate to write a DNR order on this comatose patient without involving the surrogate since the patient previously indicated that he wanted to be DNR.

Ethical Argument Translated Into the Standardized Format
[Writing a DNR order on this comatose patient without involving the surrogate] is ethically justifiable because [the patient previously indicated he wanted to be DNR.]

SAY:

During an ethics consultation many people express different and sometimes opposing points of views about what is right and what should be done.

As an ethics consultant you build ethical arguments and counterarguments during your analysis. Ethical arguments and counter arguments may also be raised by those involved in the consultation. Sometimes people say things that may appear to be ethical arguments that are not ethical arguments at all.

For this reason, we offer a format for identifying ethical arguments and another format for translating them into a standardized form.

READ the standardized format for ethical arguments on the slide.

SAY:

We can use this standardized format to represent any ethical argument. You'll notice that we have color-coded the different elements of the standardized format to better distinguish them from each other. We will use the same color to refer to the same element in the format as we work through some examples.

This standardized format can be used as a diagnostic tool to test whether an argument is an ethical argument. As a rule, if you can translate an argument into this standardized format *without changing its meaning*, then it is an ethical argument. Let's take a look at an example.

READ the example of the ethical argument and it translated into the standardized format.

SAY: Now we'll show you the basic steps for translating your ethical argument into this format.

CLICK.

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Slide 17	SAY:
Translating Ethical Arguments into a Standardized Format 1. Express decision or action as gerund ("i-n-g"). **Example:** "Writing a DNR order on this comatose patient without involving the surrogate." 2. Determine whether argument is asserting decision or action is (or is not) ethically justifiable. **Examples:** "Should/should not," "ought/out not," "right/wrong," "appropriate/inappropriate," "proper/improper," "good/bad," value laden terms (e.g., murder). 3. Identify rationale for argument. **Examples:** Preceded by "because," "due to," "for the reason that," "since," "for," "inasmuch as," "in the view of the fact that."	To translate this example into the standardized format, we first need to identify the decision or action that is the subject of the argument and to express it as a gerund, meaning a verb form that ends in "i-n-g." Sometimes the decision or action is not made explicit in the argument but can be determined from the context. If the argument specifies details such as who is performing an action on whom or under what circumstances, include these details as part of the decision or action. For instance, in the example on the previous slide, the decision or action is "Writing a DNR order on this comatose patient without consulting the surrogate." **TOGGLE BACK AND FORTH TO PREVIOUS SLIDE IF NECESSARY.** The second step is to determine whether the argument is asserting that the decision or action is (or is not) ethically justifiable. Look for words like "should or should not be done," "ought to be done," "is the right thing to do," "is appropriate or inappropriate," "proper or improper," "good or bad," etc. Sometimes this element will be conveyed by the use of a value-laden word such as "murder." Again, sometimes this aspect of the argument is not made explicit but can be inferred from the context. If you are unable to substitute the words "is (or is not) ethically justifiable" without changing the meaning of the argument, then it is not an ethical argument. In our example here, the argument is that the action <u>is</u> ethically justifiable. The third step is to identify the rationale for the argument. The rationale is the basis for the assertion that the decision or action is or is not ethically justifiable. The rationale is often preceded by the word "because" or another word or phrase such as "due to" or "for the reason that." In this case the rationale is that the patient previously indicated he wanted to be DNR. **CLICK.**

Slide 18	**NOTE:** This slide is animated.
Identify Then Translate Ethical Arguments **Example of an Ethical Argument** The right thing to do is to involve the surrogate before writing a DNR order in that failure to involve her will undermine trust. **Standardized Format for Ethical Arguments** [Decision or action] is (or is not) ethically justifiable because [rationale]. **Ethical Argument Translated Into Standardized Format** [Involving the surrogate before writing a DNR order] is ethically justifiable because [failure to involve her will undermine trust].	**SAY:** Let's look at an example and attempt to translate it into the standardized format for an ethical argument. **READ** the example on the slide and **ASK:** **Step 1:** Can you express the main decision or action as a gerund? Make sure to include both the verb and any modifiers. [Yes – "Involving the surrogate before writing a DNR order"] **Step 2:** Is the argument asserting that the decision or action is or is not ethically justifiable? [Yes – "The right thing to do is" means "it is ethically justifiable."] **Step 3:** Can you identify the rationale? [Yes – "Failure to involve her will undermine trust."] **CLICK** to fly in the argument in the standardized format. **SAY:** We are able to translate it into the standardized format without changing the meaning, so we know this is an ethical argument. Documenting in your ethical analysis using this format will specify to the reader the arguments and counterarguments. **CLICK.**
Slide 19	**NOTE:** This slide is animated.
Identify Then Translate Ethical Arguments It is better not to tell the patient that his wife has died. It would only make his condition worse. Telling the patient that his wife has died is not ethically justifiable because it would only make his condition worse.	**SAY:** Here is another example of an ethical argument. This is not necessarily a well-constructed argument, or even a valid argument, but it is an ethical argument. Throughout this module and the next, we're going to see a number of examples of weak ethical arguments—and soon we are going to learn how to strengthen them. **READ** the argument on the slide. **ASK:** Can you translate this argument into the standardized format? **ELICIT ANSWER(S):** Answers should include the

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following:

Step 1: [Telling the patient that his wife has died]

Step 2: [is not ethically justifiable]

Step 3: because [it would only make his condition worse]

SAY:

Note that in this example, the elements of the argument are spread across 2 sentences. Also note that there is not a word like "because" to signal the rationale—but it's pretty easy to infer from the context that the second sentence is the basis for the ethical argument.

CLICK to fly in the argument in the standardized format.

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Slide 20

Identify Then Translate Ethical Arguments

It's the patient's right to know so you shouldn't withhold the information.

Withholding the information is not ethically justifiable because it's the patient's right to know.

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NOTE: This slide is animated.

SAY:
And here is 1 more example.

READ the example on the slide.

ASK:
How would you translate this argument into the standardized format?

ELICIT ANSWER(S): Answers should include the following:

Step 1: [Withholding the information]

Step 2: [is not ethically justifiable]

Step 3: because [it's the patient's right to know]

CLICK to fly in the argument in the standardized format.

CLICK.

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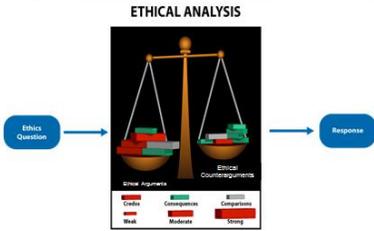| Slide 21	**NOTE:** This slide is animated.
Identify Then Translate Ethical Arguments Patients often split their pills in an attempt to save money. **Can't translate = Not an ethical argument**	**READ** the example on the slide. **ASK:** How would you translate this argument into the standardized format for an ethical argument? **ELICIT ANSWER(S):** Answers should include: **Step 1:** [Patients splitting their pills] **Step 2:** We cannot translate this example into "is (or is not) ethically justifiable" without changing the meaning of the sentence! **Step 3:** Even though there is a rationale, "in an attempt to save money." **SAY:** So this one is a descriptive claim and a rationale but not an ethical argument. **CLICK** to fly in "Not an ethical argument." **CLICK.**
Slide 22	**NOTE:** This slide is animated.
Identify Then Translate Ethical Arguments Surrogates should make life-sustaining treatment decisions based on their knowledge of patients' preferences. **Can't translate = Not an ethical argument**	**SAY:** Here's another example. **READ** the example on the slide. **ASK:** Is this an ethical argument? **ELICIT ANSWER(S):** To reach a decision, participants should walk through the following steps: **Step 1:** [Surrogates making life-sustaining treatment decisions based on their knowledge of patients' preferences] **Step 2:** It includes the word "should," which can be translated into "ethically justifiable" without changing the meaning. **Step 3:** However, this example contains no rationale.

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	SAY:
	Because it lacks a rationale, it does not meet our definition of an ethical argument.
	CLICK to fly in "Not an ethical argument."
	CLICK.
Slide 23	**SAY:**
Ethical Counterarguments	Now we've covered arguments. What, then, is an ethical counterargument? It is just an ethical argument that opposes another ethical argument. In other words, ethical arguments and counterarguments are arguments for or against a particular decision or action being ethically justifiable. If an argument is *for* a particular action, the counterargument is *against* it, and vice versa. For example, for the argument about writing a DNR order, here is an example of a counterargument.
Definition of an Ethical Counterargument An ethical argument that opposes another ethical argument. **Example of an Ethical Argument** It would be wrong to write a DNR order on this comatose patient without involving the surrogate because the surrogate has a right to decide whether or not this patient should be DNR. **Example of an Ethical Counterargument** It is ethically appropriate to write a DNR order on this comatose patient without involving the surrogate since the patient previously indicated that he wanted to be DNR.	**READ** the example of the counterargument on the slide.
	ASK:
	Do you see how this argument opposes the ethical argument just above it? Note that the decision or action is the same in both the argument and the counterargument.
	CLICK.
Slide 24	**SAY:**
Ethical Argument and Counterargument	In an ethical analysis, there can be multiple ethical arguments in favor of the same decision or action. There can also be multiple arguments opposed to that decision or action—and again, those are called counterarguments. Here are the argument and the counterargument we saw before along with an unidentified example.
Example of an Ethical Argument It would be wrong to write a DNR order on this comatose patient without involving the surrogate because the surrogate has a right to decide whether or not this patient should be DNR. **Example of an Ethical Counterargument** It is ethically appropriate to write a DNR order on this comatose patient without involving the surrogate since the patient previously indicated that he wanted to be DNR. **Argument or Counterargument?** The right thing to do is to involve the surrogate before writing a DNR order on this comatose patient in that failure to involve her will undermine trust.	**READ** the third example on the slide.
	ASK:
	Is this an example of an argument or a counterargument?
	ELICIT ANSWER(S): It's an argument because it supports the same position taken in the argument and opposes the position in the counterargument. On the scale we used to represent an ethical analysis, all the

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	arguments would go on one side of the scale and all the counterarguments would go on the other. **CLICK.**
Slide 25 **Group Activity Instructions** 1. Work in pairs. 2. Read the examples on Handout 4/5.3. 3. Determine whether they are ethical arguments or not. Hint: Translate the examples into the standardized format in your mind. 4. Label them "Yes" or "No" in the column.	**NOTE:** Leave this slide up throughout the activity. **SAY**: Now it's time to try this on your own for a few minutes. Please turn to your Handout 4/5.3. **CLICK**.

ACTIVITY: Identifying Ethical Arguments (Refer to **Handout 4/5.3**)	
Groups	Participants will work individually and then convene as a whole group for discussion.
Time	Individual work: 5 minutes Discussion: 10 minutes **Total: 15 minutes**
Before the Activity: Give the following instructions	**SAY:** Please take out **Handout 4/5.3.** Working individually, please read each example and using the criteria we have discussed, determine whether it is an ethical argument or not. In the right column, label each "Yes" if it is an ethical argument or "No" if it is not an ethical argument. Please do not look at **Handout 4/5.4: Identifying Ethical Arguments— Answer Key** yet. We will go over that once the exercise is concluded**.** You have 5 minutes to get through the list.
During the Activity: Monitor	Monitor time and reconvene the group after 5 minutes.
Following the Activity: Debrief	**SAY:** Turn now to the answer key on **Handout 4/5.4** and take a couple of minutes to review the answers. Does anyone have any questions? Take a few minutes to respond to participant questions. **CLICK** to move to the next slide.

4. Categorizing Ethical Arguments by Rationale (60 minutes)

Slide 26	**SAY:**
	You may have noticed in the picture of the scales that there are 3 different colors of weights. These represent the 3 major categories of ethical arguments and counterarguments that are generated during an ethical analysis. These categories differ by the type of rationale used to justify an argument. In this diagram we have included a key for the different sizes and colors of bars on the scales. Red for arguments based on credos, green for arguments based on consequences and grey for arguments based on comparisons. Below that key, you three different sized bars meant to represent the weight of the ethical arguments, which is a topic we will not cover today.
	CLICK.
Slide 27	**SAY:**
	Now we are going to do a quick group exercise to illustrate the different types of arguments.
	Let's suppose that *you* are the ethics consultant for the consultation described on the slide.
	Please take a moment to read the example.
	You have crafted the ethics question and gathered the information and ethics knowledge you need. Now you need to begin generating ethical arguments and counterarguments.
	CLICK.

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Slide 28 **Which Rationale Would You Choose for the Ethical Argument?** Mandating flu vaccination for health care workers is ethically justifiable because... 1. Health care workers have a duty not to harm patients by exposing them to flu. 2. The vaccine is safe for most staff to take. 3. Our hospital is similar to others that require flu vaccination for health care workers.	**SAY:** Now, here are 3 options in terms of possible rationales for this ethical argument. Which rationale would you be most likely to choose to make the argument? There is no right answer. Don't overthink this; just go with your first instinct. Jot down the number of your choice on a piece of paper. After 15 seconds**:** **CLICK.**
Slide 29 **Which Rationale Would You Choose for the Counterargument?** Mandating flu vaccination for health care workers is not ethically justifiable because... 1. Staff have a right to make choices about their own health care decisions. 2. The vaccine is often not fully effective. 3. Other beneficial vaccines are not required.	**SAY:** Now let's look at some options for counterarguments. Again I'd like you to write down the number of the rationale you would choose. After 15 seconds**:** **CLICK.**
Slide 30 **Three Categories of Ethical Arguments** Mandating flu vaccination for health care workers is ethically justifiable because... 1. Health care workers have a duty not to harm patients by exposing them to flu. **[Argument based on CREDO]** 2. The vaccine is safe for most staff to take. **[Argument based on CONSEQUENCE]** 3. Our hospital is similar to others that require flu vaccination for health care workers. **[Argument based on COMPARISON]**	**SAY:** Let's start with the arguments in favor of a flu mandate. Which category of argument did you choose? **ASK** for a show of hands: How many picked the argument based on a credo? How many picked the argument based on a consequence? How many picked the argument based on a comparison? Ethical arguments can be based on credos, consequences, or comparisons. As you may have noticed, each of the 3 options given as an argument that the mandate for flu vaccine is ethically justifiable is based on a category of rationale. We will go over these in more detail but for now, you might recognize the rational for the first option is in the category of a credo, or statement intended to guide the ethical behavior of an individual or group over time. The second statement is in the category of consequence which indicates that the decision or action will or will not result in certain good and/or bad effects. The third and final is in the category of comparison that

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	the decision or action is similar to or different from another decision or action.
	NOTE: If one type of rationale wasn't picked by many (or any) participants, point it out.
	CLICK.
Slide 31 **Three Categories of Ethical Arguments** **Mandating flu vaccination for health care workers is not ethically justifiable because…** 1. Staff have a right to make choices about their own health care decisions. **[Argument based on CREDO]** 2. The vaccine is often not fully effective. **[Argument based on CONSEQUENCE]** 3. Other beneficial vaccines are not required. **[Argument based on COMPARISON]**	**SAY:** Now let's see what you thought about the counterarguments in favor of not mandating flu vaccination for health care workers. **ASK** for a show of hands: How many picked the argument based on a credo? How many picked the argument based on a consequence? How many picked the argument based on a comparison? **NOTE**: Comment on the results, pointing out differences or similarities among participant responses. **SAY:** Certainly, some of these arguments were stronger or weaker than others, and this was probably the major factor that affected most people's choice of arguments. As an ethics consultant it is important to recognized and acknowledge ethical arguments and not dismiss them – they might carry less weight and still be relevant to the parties involved. Some people may have an inherent preference for one type of argument over another. The point of the exercise is not to delve deeply into your ethical psyche but, rather, to highlight the common tendency to be more comfortable and, therefore, more adept at generating just 1 or 2 types of arguments. Why does this matter? Because to get the balance right in your ethical analysis, you need to be able to generate the full range of arguments and counterarguments—in all 3 categories. Now let's look in more detail at the 3 categories of ethical arguments, starting with arguments based on credos. The content for these next slides is also summarized on Handout 4/5.5.

	CLICK.
Slide 32 **Ethical Arguments Based on Credos** **Definition of an Ethical Argument Based on a Credo** An ethical argument with a rationale to the effect that the decision or action in question is consistent or inconsistent with a credo. **Definition of a Credo** A statement intended to guide the ethical behavior of an individual or group over time. **Types of Credos** - Legal standards - Principles - Policy standards - Organizational values statements - Professional standards - Mottos - Religious standards - Personal credos **Ethical Theories** Deontological ethics, "rule-based" ethics, duty-based ethics **Catchwords** Right, obligation, duty, responsibility, standard, legal, policy, ethical standard, principle	**SAY:** An ethical argument based on a credo is an ethical argument with a rationale to the effect that the decision or action in question is consistent or inconsistent with a credo. When we use the term "credo," we mean **a statement intended to guide the ethical behavior of an individual or group over time**. Credos may be created or adopted, formally or informally, by individuals and organizations for various purposes. Notice that we are talking about *statements* themselves as opposed to source documents that contain a variety of different statements, like policies or codes of ethics. The statement is *intended to guide ethical behavior*—so it can't just be a descriptive or factual statement. And the statement must be intended to guide behavior over time, not just under the unique circumstances of a particular consultation. There are several different types of credos—they can be legal standards, policy standards, professional standards, religious standards, principles, organizational values statements, mottos, or personal credos. Examples of credo statements include "Confidential information may only be shared on a need-to-know basis," and "Honesty is the best policy." In terms of ethical theories, when you make arguments based on credos, you are essentially applying deontological ethics, "rule-based" ethics, or duty-based ethics. Also listed are a few catchwords you might see in argument statements based on credos. Many arguments based on a credo will not contain any of these catchwords. But if the argument does include one of these words it is likely to be an argument based on a credo. These catchwords are: right, obligation, duty, responsibility, standard, legal, policy, ethical standard, and principle. **CLICK.**

Slide 33	**NOTE:** This slide is animated.
Ethical Arguments Based on Credos It would be wrong to give John a bigger salary increase than Mary. It wouldn't be fair. Giving John a bigger salary increase than Mary is not ethically justifiable because it wouldn't be fair.	**SAY**: Let's look at some examples of arguments based on credos. **READ** the example on the slide. **ASK:** Is this an ethical argument? Why? **ELICIT ANSWER(S):** Yes. It is an ethical argument because you can identify the elements without changing its meaning. **CLICK** to fly in the argument. **ASK:** What is the rationale? **ELICIT ANSWER(S): "**It wouldn't be fair." **ASK:** Are there any catchwords that suggest that the argument is based on a credo? **ELICIT ANSWER(S):** This example doesn't contain words like right, obligation, duty, responsibility, ethical standard, or principle. However, it does contain the word "fair." Fairness is a principle. The credo is not made explicit in this example, but it would probably be something like: "To ensure fairness, employees with equivalent performance should receive equivalent rewards." **CLICK.**

Slide 34 **Ethical Arguments Based on Credos** The organization owes it to her to give her another chance—it's the right thing to do. Giving her another chance is ethically justifiable because the organization owes it to her.	**NOTE:** This slide is animated. **SAY**: This next one's a little harder. **READ** the example on the slide. **ASK:** Is this an ethical argument? **ELICIT ANSWER(S):** Yes. **CLICK** to fly in the argument. **ASK:** What is the rationale? **ELICIT ANSWER(S): "**The organization owes it to her" **ASK:** Are there any catchwords that suggest that the argument is based on a credo? **ELICIT ANSWER(S):** Our catchwords include "obligation" and "duty," and "owes" is a similar concept. The example is unclear regarding the basis for this obligation, but the rationale is that some sort of obligation exists. **CLICK.**
Slide 35 **Ethical Arguments Based on Credos** It would be ethically problematic if you made that phone call because you would be using your public office for private gain which is improper. Making that phone call is not ethically justifiable because you would be using your public office for private gain which is improper.	**NOTE:** This slide is animated. **SAY:** Let's do 1 more. **READ** the example on the slide. **ASK:** Is this an ethical argument? **ELICIT ANSWER(S):** Yes. **CLICK** to fly in the argument that's been translated into the standardized format. **ASK:**

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	What is the rationale?
	ELICIT ANSWER(S): "You would be using your office for private gain."
	ASK: Are there any catchwords that suggest the argument is based on a credo?
	ELICIT ANSWER(S): While none of the common catchwords are included in the example, the word "improperly" in this context implies that there is some kind of credo that is being violated.
	CLICK.
Slide 36 **Strengthening Ethical Arguments Based on Credos** **Definition of an Ethical Argument Based on a Credo** An ethical argument with a rationale to the effect that the decision or action in question is consistent or inconsistent with a credo, i.e., a statement intended to guide the ethical behavior of an individual or group over time. **Strengthen by** adding supporting information to explain why you think that the credo is true (ideally direct quotes from authoritative sources). **Requires:** Knowledge of credos and sources of credos. 36	**SAY:** Now we are going to show how to strengthen an ethical argument based on a credo. You can do that by adding supporting information that explains what the credo specifically is and why the credo is true; this can be done by specifying explicitly what the authoritative source is, ideally by using direct quotes from that source. **CLICK**.
Slide 37 **Strengthening an Argument Based on a Credo** **Ethical Argument:** Mandating flu vaccination for health care workers is ethically justifiable because health care workers should put the safety of patients ahead of their own concerns. **Ethical Argument with Strengthened Rationale:** Mandating flu vaccination for health care workers is ethically justifiable because it is consistent with the professional duty to patients as codified in the AMA Code of Ethics, Principle VIII, "A physician shall, while caring for a patient, regard responsibility to the patient as paramount." 37	**SAY**: Now we are going to give an example of a strengthened ethical argument. **READ SLIDE.** **SAY:** The credo is the professional duty to patients, and is further specified by quoting Principle VII from the AMA code of ethics.

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Slide 38	SAY:
Ethical Arguments Based on Consequences **Definition of an Ethical Argument Based on a Consequence** An ethical argument with a rationale to the effect that the decision or action in question will or will not result in certain good and/or bad effects. **Can Describe Consequences for** • Patients • Families • Health care teams • Health care organizations • Society in general **Ethical Theories** Teleological ethics, consequentialism, utilitarianism **Catchwords** Effect, result, cause, and if/then statements	The second category is ethical arguments based on "consequences." An ethical argument based on a consequence is an ethical argument with a rationale to the effect that the decision or action in question will or will not result in certain good and/or bad effects. The consequences may affect various stakeholders including the patient, family, health care team, health care organization, or society in general. Ethical theories that relate to this type of reasoning include teleological ethics, consequentialism, and utilitarianism. Again, there are catchwords to help you recognize this category of ethical argument. These words include: effect, result, cause, and if/then statements. Another potential clue that suggests that an argument is based on a consequence is if you see predictions about good or bad things that will happen in the future. **CLICK.**
Slide 39	**NOTE:** This slide is animated. **SAY:** Let's look at some examples. **READ** the example on the slide. **ASK:** Is this an ethical argument? **ELICIT ANSWER(S):** Yes. **CLICK** to fly in the argument. **ASK:** What is the rationale? **ELICIT ANSWER(S):** "If we do, everyone else would want one too." **ASK:** Are there any catchwords that suggest that the argument is based on a consequence? **ELICIT ANSWER(S):** "If." There is no "then," but that is
Ethical Arguments Based on Consequences We should not let Mr. Jones have an MRI on his first visit for back pain because if we do, everyone else would want one too. Letting Mr. Jones have an MRI on his first visit for back pain is not ethically justifiable because if we do everyone else would want one too.	

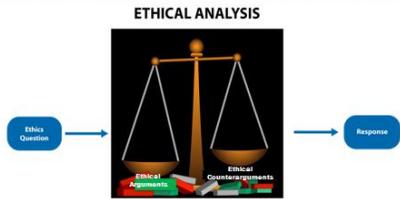|	implied.
	CLICK.
Slide 40	**NOTE:** This slide is animated.
Ethical Arguments Based on Consequences That level of budget cuts would compromise patient care and therefore is completely unacceptable. Making that level of budget cuts is not ethically justifiable because it would compromise patient care.	**SAY:** Here's another one. **READ** the example on the slide. **ASK:** Is this an ethical argument? **ELICIT ANSWER(S):** Yes. **CLICK** to fly in the argument. **ASK:** What is the rationale? **ELICIT ANSWER(S):** "It would compromise patient care." **ASK:** Are there any catchwords that suggest that the argument is based on a consequence? **ELICIT ANSWER(S):** Even though there's no catchword here, the statement does make a prediction about the future. **CLICK.**
Slide 41 **Strengthening Ethical Arguments Based on Consequences** **Definition of an Ethical Argument Based on a Consequence** An ethical argument with a rationale to the effect that the decision or action in question will or will not result in certain good and/or bad effects. **Strengthen by** adding supporting information to explain why you think that the consequence will result from the decision or action in question (ideally empirical data or other clear reasons).	**SAY:** Now we are going to show how to strengthen an ethical argument based on a consequence. You can do that by adding supporting information that justifies the conclusion; this can be done by specifying explicitly either empirical data or another authoritative source that supports the argument. **CLICK.**

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Slide 42 **Strengthening an Argument Based on a Consequence** **Ethical Argument:** Mandating flu vaccination for health care workers is not ethically justifiable because the vaccine is often not fully effective. **Ethical Argument with Strengthened Rationale:** Mandating flu vaccination for health care workers is not ethically justifiable because the vaccine effectiveness varies (historically between 10 and 60 %) and it will reduce the program's credibility if many staff develop the flu despite the mandate to get vaccinated.	**SAY**: Now we are going to give an example of a strengthened ethical argument. **READ SLIDE.** **SAY:** The specific consequence is that program's credibility will be reduced if staff develop the flu in the setting of the mandate. **CLICK**.

Slide 43
 	
Ethical Arguments Based on Comparisons
 	
Definition of an Ethical Argument Based on a Comparison
    An ethical argument with a rationale to the effect that the decision or action in question is similar to or different from another decision or action.
Can Compare/Distinguish
    • Characteristics of the decision or action
    • Moral actor(s), i.e., who is making a decision or taking an action
    • Recipients or object of the decision or action
    • Circumstances surrounding the decision or action
Ethical Theories
    Casuistry, case-based reasoning
Catchwords
    Like, similar, as if, unlike, dissimilar, different
	SAY:
	The third category we will talk about today is arguments based on "comparisons."
	
	An ethical argument based on a comparison is an ethical argument with a rationale to the effect that the decision or action in question is similar to or different from another decision or action.
	
	The comparison can be to a well-known, classic, or paradigmatic decision or action, such as the Supreme Court's decision in the Karen Ann Quinlan case, or it can be a comparison to a particular case encountered by the ethics consultation service, to the way similar cases are handled, or even to a hypothetical case.
	
	This category of argument may compare:
	• The characteristics of the decision or action
	• The moral actor(s), i.e., who is making a decision or taking an action
	• The recipient(s) or object of the decision or action
	• The circumstances surrounding the decision or action
	
	Two ethical theories corresponding to this type of rationale are casuistry and case-based reasoning.
	
	The catchwords for this category are: like, similar, as if, unlike, dissimilar, and different.
	
	CLICK.

Slide 44	**NOTE:** This slide is animated.
Ethical Arguments Based on Comparisons Similar to the Cruzan case, even though there's no advance directive we should remove the feeding tube because it's clear the patient didn't want to be kept alive through artificial means. Removing the feeding tube is ethically justifiable because, similar to the Cruzan case, even though there is no advance directive it's clear the patient didn't want to be kept alive through artificial means. 44	**SAY:** Let's look at some examples of arguments based on comparisons. **READ** the example on the slide. **ASK:** Is this an ethical argument? **ELICIT ANSWER(S):** Yes. **CLICK** to fly in the argument. **ASK:** What is the rationale? **ELICIT ANSWER(S):** "<u>Similar to the Cruzan case, even though there is no advance directive it's clear the patient didn't want to be kept alive through artificial means</u>." **ASK:** Are there any catchwords that suggest that the argument is based on a comparison? **ELICIT ANSWER(S): "**Similar." **CLICK.**
Slide 45	**NOTE:** This slide is animated.
Ethical Arguments Based on Comparisons It's okay for employees to use their work computers on occasion for personal matters, but this is different in that the employee was being paid for her time by another organization. Using a work computer for personal matters in this instance is not ethically justifiable because this is different from other occasional uses in that the employee was being paid for her time by another organization. 45	**READ** the example on the slide. **ASK:** Is this an ethical argument? **ELICIT ANSWER(S):** Yes. **CLICK** to fly in the argument. **ASK:** What is the rationale? **ELICIT ANSWER(S):** "This situation is different in that the employee was being paid for her time by another organization."

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	ASK: Are there any catchwords that suggest that the argument is based on a comparison? **ELICIT ANSWER(S): "**Different." **CLICK.**
Slide 46 **Strengthening Arguments Based on Comparisons** **Definition of an Ethical Argument Based on a Consequence** An ethical argument with a rationale to the effect that the decision or action in question is <u>similar to or different from another decision or action</u>. **Strengthen by** adding supporting information to explain the other decision or action and why you think it is similar to or different from the decision or action in question, citing sources. 46	**SAY:** Now we are going to show how to strengthen an ethical argument based on a comparison. You can do that by adding supporting information that describes specifically why you think the other decision or action is similar or different from the decision or action in question. **CLICK**.
Slide 47 **Strengthening an Argument Based on a Comparison** **Ethical Argument:** Mandating flu vaccination for health care workers is ethically justifiable because our hospital is similar to others that require flu vaccination for health care workers. **Ethical Argument with Strengthened Rationale:** Mandating flu vaccination for health care workers is ethically justifiable because our hospital is similar to other leading teaching institutions and as of 2015 more than a third of The Council of Teaching Hospitals members have implemented strict vaccination policies. 47	**SAY**: Now we are going to give an example of a strengthened ethical argument based on a comparison. **READ SLIDE.** **SAY:** The comparison is that the hospital is similar to other leading teaching institutions and 1/3 of The Council of Teaching Hospitals have similar strict vaccination policies.

Slide 48
 	
How to Assess an Argument
 	
• Identify the conclusion
• Identify the rationale
  – The reasons for believing the conclusion
  – Is the rationale true?
• Is the movement from rationale to conclusion logical?
  – Is the rationale relevant to the conclusion?
  – Do the rationales strongly support the conclusion?
 	
• Are there counterarguments?
 	
• Identify unstated rationales or assumptions
 	
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	SAY:
	Now that we have looked at 3 categories of ethical arguments, based on credos, consequences, and comparisons we should pause to think about how to assess an argument.
	
	READ: the first 3 bullets on the slide.
	
	SAY:
	In addition, when assessing an argument, take the time to consider what the counterarguments might be.
	
	You can round out the assessment by thinking about and identifying any unstated rationales or assumptions that should be explored as part of the analysis.

Slide 49	**SAY:**
Ethical Arguments Based on Faulty Reasoning ETHICAL ANALYSIS Ethics Question → [scales graphic: Ethical Arguments / Ethical Counterarguments] → Response	So far in this module, we have looked at 3 categories of ethical arguments, based on credos, consequences, and comparisons. We have 1 more type of argument to discuss. It is an ethical argument based on faulty reasoning. By definition, and ethical argument based on faulty reasoning is an ethical argument – because it is includes a conclusion and a rationale and argues that the decision or action is or is not ethically justifiable – but its rationale does fit 1 of the 3 previous categories we've talked about. An argument based on faulty reasoning is not based on any legitimate rationales for an ethical argument such as a credo, consequence or comparison, but rather on a faulty reasoning, and, as such, should not be considered—or "weighed"—during an ethical analysis. Hence, the bars appear off the scales in our graphic. **CLICK.**
Slide 50	**NOTE:** This slide is animated.
Ethical Arguments Based on Faulty Reasoning Almost all of the clinicians on the unit think we should override the surrogate's decision, so that's what we should do. *Ad populum*	**SAY:** Let's look at some examples. **READ** the example on the slide. **ASK:** What is the rationale? **ELICIT ANSWER(S):** "Almost all of the clinicians would do it, so that's what we should do." **SAY:** Is this an argument based on a credo? A consequence? A comparison? **ELICIT ANSWER(S):** No, it's not an ethical rationale at all. **ASK:** So what is the argument being made here? **ELICIT ANSWER(S):** Everyone says we should do it, so it must be ethical. ⤶ **CLICK** to fly in "*Ad populum.*"

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	SAY: This is known as "*ad populum.*" The argument is based on the logical fallacy that other people do it or support it so it must be ethically justifiable. **CLICK.**
Slide 51 **Ethical Arguments Based on Faulty Reasoning** The chief of staff doesn't disclose this type of medical error, so there's no reason to tell the family. **Inappropriate appeal to authority**	**NOTE:** This slide is animated. **READ** the example on the slide. **ASK:** What is the rationale? **ELICIT ANSWER(S): "**The chief of staff doesn't do it, so we don't have to do it." **ASK:** Is that an ethical rationale? **ELICIT ANSWER(S):** No. **ASK:** So what is the argument being made here? **ELICIT ANSWER(S):** It's what the boss does so it must be ethical. **CLICK** to fly in "Inappropriate appeal to authority." **SAY:** This is known as "inappropriate appeal to authority." The argument is based on the logical fallacy that an authority figure does it or supports it so it must be ethically justifiable. **CLICK.**
Slide 52	**NOTE:** This slide is animated. **READ** the example on the slide. **ASK:** What do you think is going on here? **ELICIT ANSWER(S):** Here the idea is to produce an emotional reaction, such as pity or guilt—there is really no

Ethical Arguments Based on Faulty Reasoning You should eat everything on your plate. Some children aren't lucky enough to get nutritious food every day. **Appeal to emotion**	rational argument offered but, rather, an appeal to emotion. ⬅ **CLICK** to fly in "Appeal to emotion." **SAY:** This is known as an "appeal to emotion." The argument evokes positive (or negative) emotions to suggest that something is (or is not) ethically justifiable. **CLICK.**
Slide 53 **Ethical Arguments Based on Faulty Reasoning** We have to cut spending on social programs. Otherwise we will have a huge deficit that will bankrupt the country. **False dichotomy**	**NOTE:** This slide and the next 2 slides are NOT animated. **SAY:** We have a couple more to consider. You might find this one comes up pretty often. The argument implies that there are only 2 options when in fact there are others. This is known as a "false dichotomy." The author of such a statement may be trying to "sell" their rationale by suggesting that there is just 1 other option, which is highly undesirable. A variant on this is the "straw man" fallacy, in which the argument presents a distorted version of the opposing position then refutes it. **CLICK.**
Slide 54 **Ethical Arguments Based on Faulty Reasoning** People who object to requiring a photo ID must be un-American. *Ad hominem*	**SAY:** Here's another. This argument uses derogatory language or innuendo to discredit those who disagree. It's called an *ad hominem* argument. Any time a rationale is based on the supposed characteristics of the author of an argument, and not on the merits of the argument itself, you can be pretty sure it falls under this category. **CLICK.**
Slide 55	**SAY:** And here's the last example of an argument based on a logical fallacy. The problem with this argument, of course, is that there is a

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Ethical Arguments Based on Faulty Reasoning It's legally permissible, so it must be ethical. **Confusing law and ethics**	difference between law and ethics. Just because something is legal doesn't mean it's the right or best thing to do. **CLICK.**

Slide 56
 	
Group Activity Instructions
 	
1. Work in pairs.
2. Match the arguments with their category:
  • Credos
  • Consequences
  • Comparisons
3. Identify claims based on faulty reasoning.
	NOTE: Leave this slide up throughout the activity.
	
	SAY:
	Now you are going to practice categorizing ethical arguments.

ACTIVITY: Categorizing Ethical Arguments (Refer to **Handouts 4/5.5** and **4/5.6**)	
Groups	Arrange participants into pairs.
Time	First example as large group: 5 minutes Pair work: 15 minutes Discussion:15 minutes **Total: 30 minutes**
Before the Activity: Give the following instructions	**SAY:** Please get into pairs, and then take out **Handout 4/5.5 and 4/5.6.** Please do not look at **Handout 4/5.7: Categorizing Ethical Arguments—Answer Key** yet; we will go over that once the exercise is concluded**.** **Handout 4.5.5** is a summary of the categories of ethical arguments. You may find it useful as you do the exercise. On **Handout 4/5.6** we've generated a list of ethical arguments representing each of the 3 categories—credos, comparisons, and consequences, as well as ethical arguments based on faulty reasoning. Read through the list and match each argument to its appropriate category. Let's do the first example together. *Social security number should not be printed on wristbands because of the risk of identity theft.* What is the basis for the ethical argument here? Does everyone agree that

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ACTIVITY: Categorizing Ethical Arguments (Refer to Handouts 4/5.5 and 4/5.6)	
	this argument is a consequence? So I would write "consequence" next to this argument on the worksheet. Now you have 15 minutes to try it in your pairs.
During the Activity: Monitor	Monitor time and ask pairs to rejoin the whole group after 15 minutes. Inform them that you'll be reading the answers from the answer key, and ask them to check their responses against this list.
Following the Activity: Debrief	Turn to **Handout 4/5.7** and **READ** the answers in the column marked "Category." Ask participants if there were any arguments that they found difficult to categorize or would like to discuss. Take a few responses and inform them that some of the arguments were designed to be somewhat unclear. Also, remind them that there can be more than 1 way to categorize a particular argument when the argument is not clear. **CLICK** to move to the next slide.

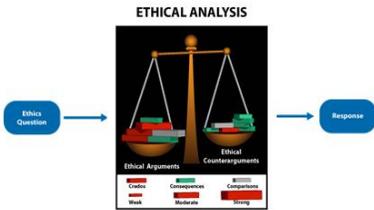# 5. Generating Ethical Arguments and Counterarguments (60 minutes)

Slide 57	

Group Activity Instructions
 	
1. Work in pairs.
2. Fill in the worksheet with your partner.
   • Read the case summary
   • Generate and strengthen 1 argument and 1 counterargument for each of the 3 types of rationales for ethical arguments: credos, consequences, and comparisons.
   • Don't spend too much time on any one argument. The idea here is to think of multiple arguments.
	NOTE: Leave this slide up throughout the activity.
	
	SAY:
	
	Now that you have some familiarity with identifying ethical arguments and categorizing the different types of ethical arguments, you are ready to try generating different types of arguments on your own.
	
	To ensure your ethical analysis is thorough, it's important to consider different categories of arguments. For this reason, we are going to practice generating arguments based on credos, consequences, and comparisons.
	
	And to ensure your ethical analysis is balanced, it's important to consider both sides of every issue. For this reason, we are going to practice generating both arguments and counterarguments—that is, arguments on both sides of a particular issue.
	
	For this activity, you will read the summary of the case and its ethics question, and then generate 1 argument and 1 counterargument for each category of ethical arguments that we have discussed—not including arguments based on faulty reasoning! You will be using **Handout 8: Generating and Strengthening Ethical Arguments and Counterarguments—Worksheet**.

ACTIVITY: Generating and Strengthening Arguments and Counterarguments (Refer to **Handouts 4/5.5 and 4/5.8**)	
Groups	Arrange participants into pairs
Time	Pair work: 20 minutes Discussion: 10 minutes **Total: 30 minutes**
Before the Activity: Give the following instructions	**SAY:** Please get into pairs with your neighbor on the other side, and turn to **Handout 4/5.8**. The worksheet includes the summary of the case on which this activity is based. You may also want to refer to **Handout 4/5.5,** the summary of the categories handout. **READ** the case summary and ethics question in the handout. **SAY:** You now have 20 minutes to fill in the worksheet with your colleague. Build your case by generating 1 argument and 1 counterargument for each

ACTIVITY: Generating and Strengthening Arguments and Counterarguments (Refer to Handouts 4/5.5 and 4/5.8)	
	category of ethical argument, and write in the space provided. They do not need to be worded carefully but should include the three elements of an ethical argument—we just want you to convey the basic idea behind each ethical argument.
During the Activity: Monitor	Monitor time and ask pairs to re-join the whole group after 20 minutes.
Following the Activity: Debrief	Begin the discussion by first asking participants to read their pair's arguments and counterarguments based on credos, and then comparing results, providing clarification or suggesting improvements where needed. Repeat these steps for the arguments participants wrote that were based on consequences and comparisons. Suggested talking points: • Some of the arguments will be clear and compelling, while others will be less so. • Remind participants that when they're performing an actual ethics consultation, there may be multiple strong arguments in 1 category while there may not be any strong arguments in other categories. • To ensure they are conducting a thorough and balanced ethical analysis, suggest that it's a good idea to consider every category systematically. **CLICK** to the next slide.

6. Takeaways (15 minutes)

Slide 58	NOTE: This slide is animated.
Takeaways-Generating Strong Ethical Arguments and Counterarguments • Ethical argument: A statement that helps to answer an ethics question by asserting that a particular decision or action is (or is not) ethically justifiable on the basis of a specific rationale. • 3 rationales for arguments: Based on credos, consequences, comparisons. • Standardized format for ethical arguments: [Decision or action] is (or is not) ethically justifiable because [rationale]. • Ethical argument should be strengthened so the intended meaning is understandable, not open to interpretation, and the rationale is well supported and credible.	**SAY:** Let's spend a couple of minutes here at the end of the module to reflect on what you will take away from this session. **ASK:** What struck you as most important for your work as an ethics consultant? **ELICIT ANSWER(S):** Answers may include any responses participants make. Take 2 or 3 responses, and as many more as time allows. Acknowledge each response. **SAY:** We have touched upon many concepts in this module. Hopefully, you have the materials you need to bring them all back to mind when you return to the job. Here they are, summarized. **CLICK** to fly in the summarized concepts. **CLICK.**
Slide 59	**SAY:** Articulating clear and compelling arguments and counterarguments is crucial to a sound ethical analysis, but the process doesn't end here. After you have finished generating and strengthening arguments, the next step would be to determine the relative strength of each of your arguments and counterarguments. Some arguments are inherently weak and cannot be made clear and compelling. Those should be eliminated from the ethical analysis. After that you would weigh and balance the remaining arguments and counterarguments in order to determine what decisions or actions are ethically justifiable. Finally, you would complete your analysis by developing a coherent narrative that presents the arguments and counterarguments in a logical sequence that supports the recommendations and
Ethical Analysis: Next Steps • Determine the relative strength of each of the arguments and eliminate those that cannot be made clear or compelling. • Weigh and balance remaining arguments and counterarguments to determine what decisions or actions are ethically justifiable. • Write the analysis, including arguments and counterarguments, in a logical sequence and coherent narrative.	

	plan. We are not going to talk about these steps in this module, other than to make one important point about weighing and balancing arguments and counterarguments, which is illustrated on the next slide. **CLICK.**
Slide 60 **Weighing and Balancing Ethical Arguments** ETHICAL ANALYSIS	**SAY:** The point is that weighing and balancing arguments and counterarguments to determine whether a decision or action is ethically justifiable involves a lot more than just counting the number of arguments and counterarguments on each side of the analysis. You also have to consider the relative strengths of the arguments on either side. In fact, you could have 10 arguments and only 1 counterargument, but the 1 counterargument may be so strong that it "trumps" all of the arguments. To illustrate this concept, we've used bigger weights to represent stronger arguments and counterarguments.
Slide 61 **Questions** Questions?	**NOTE:** Answer any questions and conclude the session with appreciation for the work participants have done and anything you want to say about your experience of the time you have spent with them.

Module 4/5-Generating, Translating and Strengthening Ethical Arguments and Counterarguments
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