Unpacking the content descriptions,
Ethical Capability

Levels 7–10

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Introduction

This document contains key concepts and ideas to unpack Ethical Capability content descriptions from Levels 7 to 10. The sample learning activities that are listed could be used to support explicit teaching and/or consolidation of learning. Sample units of work to support the unpacking of these content descriptions are available on the [Ethical Capability teaching resources webpage](https://www.vcaa.vic.edu.au/curriculum/foundation-10/resources/ethical-capability/Pages/Help-me-find-a-teaching-resource.aspx) of the VCAA website. These sample units of work can be adapted to suit different learning area contexts as required. An indicative achievement standard extract has been given, but depending on the context, other achievement standard extracts may be relevant.

[Ethical Capability, Unpacking the content descriptions: Foundation–Level 6](https://www.vcaa.vic.edu.au/Documents/viccurric/ethics/EC_Unpacking_the_Content_Descriptions_F-6.docx) complements this resource and sets out many concepts that are built on throughout the learning continuum.

Levels 7 and 8

**C****ontent description:** Explore the contested meaning of concepts including freedom, justice, and rights and responsibilities, and the extent they are and should be valued by different individuals and groups ([VCECD014](https://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCECU014))

**Relevant achievement standard extract:** By the end of Level 8, students explain different ways ethical concepts are represented and analyse their value to society, identifying areas of contestability.

**Sample key concepts and ideas:**

* There are two common ways to define the concept of freedom:
1. Freedom is the lack of external impediments or coercion: that is, the lack of outside interference. This is known academically as negative liberty.
2. Freedom is having self-determination: that is, being able to act in accordance with what you judge to be right for you to do. This is known academically as positive liberty.
* People value their own and others’ freedom for many reasons. One common reason is that the ideas associated with the concept of freedom reflect the equality and dignity of humans. The valuing of freedom is reflected in how human rights have been conceived historically.
* There are a range of barriers to and enablers of freedom, including physical, psychological, social, educational, environmental and economic factors.
* When thinking about whether a factor is a barrier or an enabler, some issues can arise. Two of the main issues are:
* Where is the line between constraints that might make it harder to do something and constraints that make someone unfree?
* To what extent should coercion or an intentional placement of a barrier matter, and to what extent should this be taken into account when deciding if someone is unfree? Does creating a rule still leave someone free to act, or does it go as far as making them unfree?

Consider, for example, that voting is compulsory in some countries and not in others. In Australia, you will be penalised if you fail to vote without a valid reason for not doing so. Does the requirement to vote and the associated penalty for not doing so make someone in Australia unfree with respect to voting, or is it merely harder to exercise a freedom not to vote?

**Sample learning activities:**

* Consider a selection of rules and regulations within our society (for example, school starting age or voting age, blood alcohol limits for drivers and so on) and discuss who should decide these parameters. Develop a definition of the concept of freedom based on the discussion.
* Analyse examples of human rights charters and laws to identify what kind of freedoms are valued, what kind are restrained, whether positive or negative liberty is involved, and what kind of responsibilities may be associated with identified rights: for example, the [Universal Declaration of Human Rights](https://www.un.org/en/about-us/universal-declaration-of-human-rights).
* Analyse contemporary debates, such as those around freedom of speech, to consider the relationship between freedom and responsibility.

**C****ontent description:** Investigate why ethical principles may differ between people and groups, considering the influence of cultural norms, world views and philosophical thought ([VCECU015](https://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCECU015))

**Relevant achievement standard extract:** Students analyse the differences in principles between people and groups.

**Sample key concepts and ideas:**

* Sometimes actions of people in response to an ethical issue may be guided by differing principles.
* People may want the same outcome or resolution of an ethical issue, or different outcomes.
* Different [ethical principles](https://www.vcaa.vic.edu.au/curriculum/foundation-10/resources/ethical-capability/planningresources/Pages/PlanningTools.aspx#:~:text=List%20of%20Ethical%20Principles) may be guiding different people who share the same desired outcome or different desired outcomes. These different principles could guide them to the same action or different actions.
* Reasons for differences in ethical principles may include:
* a genuine moral dilemma not showing an obvious way forward
* different contexts or experiences leading to a different understanding of what the consequences of particular actions might be
* different interests, responsibilities or goals, or different levels of power and influence
* different cultural, religious or philosophical backgrounds that have informed ethical principles and that were typically drawn on to make decisions in the past
* different understanding of what certain ethical principles mean or which are important, or of how to interpret certain laws or rights
* different knowledge of the range of ethical principles available to help guide action
* different ways of making decisions: for example, the importance of feelings, conscience and reasoning.

**Sample learning activities:**

* Discuss stories where people hold different ethical principles and the factors influencing this: for example, compare characters in S.E. Hinton’s novel *The Outsiders*.
* Invite representatives of different faiths or cultural backgrounds to speak to the class. Discuss important ethical principles they hold and why they hold them. Questions could be drafted and sent to the representatives in advance. Teachers may need to seek parent permission for this kind of activity.
* Analyse a historical issue involving people or groups holding different guiding ethical principles and identify why they might be different.

**C****ontent description:** Investigate criteria for determining the relative importance of matters of ethical concern ([VCECU016](https://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCECU016))

**Relevant achievement standard extract:** [Students] …articulate how criteria can be applied to determine the importance of ethical concerns.

**Sample key concepts and ideas:**

* Some matters involve more than one ethical concern, and deciding which concerns are more important may be contested by individuals or groups.
* Factors such as cultural background/worldviews, past experience and interests may influence determination of relative ethical importance.
* Before considering what is more or less important, it is worth thinking about whether a ranking is a matter of individual subjective judgment or whether there are general agreements on what is better or worse and whether this depends on context.
* When assessing the relative importance of matters of ethical concern, the following is typically considered to inform development of criteria:
* the extent of potentially negative or positive consequences involved with the concern; for example, a particular material may be of high concern because it has a high level of toxicity for humans
* duties or interests that a stakeholder may have; for example, an environmental group may see minimising environmental harm as its most important duty
* rights that should be upheld or protected.
* Depending on context, sources such as charters of human rights, corporate policies or data on stakeholder views might assist in selecting and applying criteria to identify what is more or less important; for example, stakeholder views might clearly indicate that a threat to profit is a higher concern than a threat to the environment.

**Sample learning activities:**

* Without using guiding criteria, students rank ethical considerations associated with an issue from least to most important. Students then rank the ethical considerations again using teacher-provided criteria (see fourth dot point above for how these might be developed), and discuss which criteria may have consciously or unconsciously influenced their original ranking and whether their ranking has changed using the teacher-provided criteria. For example, students independently rank ethical considerations associated with a mock proposal to require all pet cats to be declawed. They are then given a list of criteria to guide ranking, and they reflect on their thinking to identify which (if any) criteria they favoured and which they did not consider, and re-evaluate their ranking.
* Students are given a scenario with associated ethical considerations. They are divided into small groups and each group is allocated a different stakeholder group to represent (for example, local government, local Indigenous community, environmental group etc.). Groups undertake research on the scenario in general and the stakeholder they are representing before ranking the considerations from most to least important from that stakeholder’s perspective. Results are compared to explore how ranking can be contested. The guide below could be used to assist with ranking:
* Positive consequences – who/what would be affected, how much and for how long?
* Negative consequences – who/what would be affected, how much and for how long?
* Duties or interests of the stakeholder – what matters most to the stakeholder? What matters least?
* Rights that should be protected – does the consideration involve a contravention of human rights? Are there laws that need to be taken into account that might involve humans, property, animals or the environment?
* As a class, watch ‘[Who should see the biggest cave in the world?](https://www.thephilosophyman.com/whogetstosee)’ by Jason Buckley, The Philosophy Man. In this short video, Buckley asks whether a cable car should be placed in Son Doong Cave in Vietnam – one of the biggest caves in the world, first discovered in 2009. This would make the cave less costly to access and provide for a greater volume of tourists but may result in damage to the cave. The class works together to identify ethical considerations. Students are then divided into small groups, with some representing tourists, conservationists and local small businesses. They undertake research to understand the perspective of their stakeholder and then work together to rank the ethical considerations from most to least significant using guiding criteria provided by the teacher.

**Content description:** Explore the extent of ethical obligation and the implications for thinking about consequences and duties in decision-making and action ([VCECD017](https://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCECD017))

**Relevant achievement standard extract:** [Students] explain different views on the extent of ethical obligation and analyse their implications for the consequences of and duties involved in ethical decision-making and action. They articulate how criteria can be applied to determine the importance of ethical concerns.

**Sample key concepts and ideas:**

***Key terms:***

* **Ethical obligation** is distinct from **duty**. Like duty, obligation refers to required conduct, and the terms ‘duty’ and ‘obligation’ are often used interchangeably. One distinction that some philosophers make is that an individual’s consent is needed in order to discharge an obligation, whereas some duties are thought to be binding whether a particular individual agrees with them or not. For example, by choosing to live in Victoria, a resident has a duty to obey Victorian law and is said to implicitly consent to this by living in the jurisdiction; however, caring for a sick friend only becomes an obligation for someone when they choose to do so. Whether ‘duty’ and ‘obligation’ can be used interchangeably or not can usually be determined from the context.
* **Consequentialist ethics** holds that the rightness or wrongness of actions is determined by the value of their foreseeable consequences or results.
* **Utilitarianism** is a major school of thought in consequentialist ethics. Its key principle – **the utility principle** – is that people should always act to maximise happiness for the greatest number while minimising harm.

***Broader concepts and ideas:***

* Basic consequentialism holds that since everyone has equal dignity as humans, everyone should be given equal worth or status – that is, with no comparative difference in their moral status – and treated accordingly.
* Commonsense morality recognises that we have special obligations to some people, such as our family members and friends. Treating everyone as if they have equal status thus conflicts with commonsense morality and is thought by many philosophers to be unreasonably demanding.
* Some philosophers also believe that commonsense morality makes sense because we are more likely to be effective in favouring those we have special relationships with – that is, we are more likely to know what to do, what not to do and how to do it quickly with the least cost or waste of resources.
* Our perception of ethical obligation affects where we think our responsibilities (duties) lie and how strongly committed to these responsibilities we believe we are.
* Our perception of ethical obligation also affects how we judge the significance of harms and benefits. For example, the significance of an act that brings benefit to a friend but harm (or a missed benefit) to a stranger can be judged by these two connected factors:
* what the specific harms and benefits actually are (what, how much and how long)
* how we view our obligation to the friend compared to the stranger – are the obligations equal?
* One way offered by philosophers to help us think about who has an ethical obligation is to analyse why we would want to confer praise or blame on someone: that is, why we would want to hold them responsible or not.
* When judging whether it is reasonable to expect someone to have ethical responsibility, it is necessary to consider the following criteria:
* the kind of capacity (mental, dispositional, physical, economic) needed to independently exercise ethical decision-making and actions
* how much knowledge of the situation and the foreseeable consequences it is reasonable to expect someone to have
* how much control in general someone has in a particular situation (to what extent can they decide what to do and actually do it?)
* whether there are circumstances that confer special obligations (for example, special obligations to family or because of promises made).

How these criteria are interpreted can lead to different views on who has an ethical obligation.

* Interpretations of the above criteria can be influenced by factors such as what happened at the time (for example, being in danger versus being at little risk), age, physical strength, income, skills and character. In relation to character, for example, some people will claim that they were born with a reduced capacity for empathy and they cannot be blamed for certain acts that others with a greater capacity for empathy might be blamed for; others will claim that character is not set in such a way. How these factors are interpreted contributes to different views on who has an ethical obligation.
* People also disagree on the extent to which non-human entities – such as artificially intelligent machines (for example, driverless cars), institutions or animals – should be held ethically responsible.
* Our views on ethical responsibility affect our judgments as to whether someone should be punished or rewarded for doing or not doing something.

**Sample learning activities:**

* Provide a range of basic moral dilemmas and discuss whether ethical obligations change depending on who/what is involved: for example, choosing between helping someone who is sick and bedridden or backfilling a technical role for a drama production at short notice. Students discuss the dilemma in general and then see if their views change depending on the circumstances: for example, the sick person is a relative vs a neighbour; the person has previously made particular promises; the drama production is directed by a close friend and so on. Provocations are designed to draw out a range of sample concepts and ideas, and involve considering who might hold responsibilities as well as those who we have responsibilities towards.
* Research perspectives on a current issue involving ethical responsibility and use criteria to assist in reaching a conclusion on ethical responsibility. Current issues might include debates about including a wider range of voices in decision-making, such as [youth](https://www.oecd.org/mena/governance/Young-people-in-OG.pdf) or people with disabilities; or the push to raise [the age of criminal responsibility in Australia](https://www.theage.com.au/national/push-by-un-members-for-australia-to-raise-the-age-of-criminal-responsibility-20210121-p56vyp.html).
* Use the utility principle to resolve a given ethical dilemma where all involved are held to have equal status. Then resolve the same dilemma with consideration of special obligations to particular people or groups, and discuss any differences between the two resolutions reached. For example, students may consider whether to break a promise to a friend about keeping a planned prank secret when it is discovered that some people may potentially be harmed in the prank.

**C****ontent description:** Discuss the role of context and experience in ethical decision-making and actions ([VCECD018](https://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCECD018))

**Relevant achievement standard extract:** [Students] analyse the role of context and experience in ethical decision-making and action.

**Sample key concepts and ideas:**

* Experience can be used to predict consequences of a proposed action(s) and the overall outcome.
* Context can influence how priorities are assigned; for example, in one situation a close friendship may be an important consideration, while in another it may not matter as much.
* Both experience and context can:
* help in making an on-balance judgment about the significance of a particular consequence and the significance of an overall outcome
* influence the selection of ethical principle(s) to be applied to a particular situation
* influence what an ethical principle means in a particular case (for example, if the principle is to minimise harm, experience and context may influence what ‘harm’ and ‘minimise’ might mean).

**Sample learning activities:**

* Introduce the role of context through discussion of whether there are exceptions to general claims such as ‘lying is always wrong’.
* Discuss the ethical principle ‘treat others as you would want to be treated’, including why it is often called the Golden Rule and whether this principle should apply no matter what the context.
* Analyse texts involving ethical decision-making and discuss the influence of context and experience on the character’s thinking.

Levels 9 and 10

**Content description:** Investigate the connections and distinctions between and the relative value of concepts including fairness and equality, and respect and tolerance ([VCECU019](https://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCECU019))

**Relevant achievement standard extract:** By the end of Level 10, students explain connections and distinctions between ethical concepts, identifying areas of contestability in their meanings and relative value.

**Sample key concepts and ideas:**

***The meaning of equality:***

* The meaning of equality concerns two or more objects or people sharing at least one similar characteristic.
* Treating people equally means treating them with the same level of concern and respect, but not necessarily in the same way.

***Contestabilities related to equality:***

* Bearing in mind that equality is defined with respect to a particular characteristic, choosing a characteristic to compare can be contestable. Gender? Qualifications? Intelligence? Income? Simply being human?
* Similarly, if we think we owe people equality, choosing what should be equal can be contested. For example, are they owed opportunity, wealth, respect or something else? How do we define the group that is owed this and determine what they deserve?
* Equality is often claimed to be an ideal: that is, something we aim for. But what kind of ideal is equality? Is it an end in itself or a means to other ends? Is equality inherently valuable or only valuable in that it enables or supports other things we consider valuable, such as freedom, fulfilment of human potential, or avoidance of certain sufferings?
* How should success in equality be measured? By results or by opportunities? For example, should success in equality be measured by the actual distribution of income and wealth or by the nature of opportunities to improve income, which may or may not have been taken up.
* Another area of disagreement is how much inequality is appropriate to tolerate. The philosopher John Rawls’ famous difference principle states that when considering redistribution of goods, the maximum benefit appropriate to redistribute to the worst off is just below the point that it undermines the basic rights and liberties of the better off.

***The relationship between fairness and equality and the meaning of fairness:***

* The concept of fairness involves considering equality as well as reciprocity and what is deserved. Equality may be a part of fairness, but it is not the whole picture; for example, if achieving equality meant greatly harming someone in the process, this may be considered unfair as it is not deserved (the ancient Greek philosopher Plato wrote about this in *The Republic*).
* Fairness can involve the idea of reciprocity, which equality need not involve, depending on how equality is conceived; for example, if someone helps us with housework, we may consider it unfair if this favour is not reciprocated.
* To discern what is fair, it is also thought that impartiality is required (the idea that ‘justice is blind’).

***Contestabilities related to fairness (as fairness partly concerns equality, some contestabilities overlap with equality):***

* Are there some kinds of unequal treatment that are fair? Here, unequal means not being treated in exactly the same way: for example, providing special car spaces for people with prams.
* To what extent should choice play a role in considering if treatment is fair? One view (originating from the ancient Greek philosopher Aristotle) says that people who have created inequalities through their own decisions should not be compensated for these choices: for example, people whose health is worse due to smoking, or who are in poverty because they lost their money gambling. Under this view, it is not fair that those who did not make those choices compensate those who did (for example, non-smokers paying Medicare for smokers, or non-gamblers contributing to welfare for problem gamblers). Another view is that treatment should take into account circumstances: for example, in that someone was not able to reasonably foresee that they would become a problem gambler, or recognition that bearing of costs could be a disproportionate burden and therefore unfair.
* If someone has natural strengths (physical, mental, social or economic) and/or contributes more, do they therefore deserve more?
* Why should we be fair or equitable if the natural world has inequalities and if people are born with unequal attributes? The is/ought gap claims that the current state of the world is not necessarily how it should be. The ‘gap’ refers to a missing premise in the move from what ‘is’ to what we ‘should’ do. In this case applying the is/ought gap means that natural inequalities do not in themselves justify lack of action on improving equality.
* Some try to claim that equal treatment does follow from the empirical fact of a shared common humanity. Note that this is not a logical claim but an appeal to what is thought to be a self-evident ‘first principle’ of ethics that recognises inherent shared human dignity.
* Consider the [United Nations Universal Declaration of Human Rights](https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Whereas%20recognition%20of%20the%20inherent%20dignity%20and%20of%20the%20equal%20and%20inalienable%20rights%20of%20all%20members%20of%20the%20human%20family%20is%20the%20foundation%20of%20freedom%2C%20justice%20and%20peace%20in%20the%20world%2C) – in particular that it is a declaration, not an argument. The use of the term ‘recognition’ in the first sentence of the preamble suggests that what is being put forth is not an opinion but a self-evident truth.

***The distinction between respect and tolerance:***

* The word respect is used in many ways, some of which are outside the realm of ethics; for example, we might say that a disease does not respect borders. In terms of ethics, respect is commonly thought of as an attitude towards someone or something (including ourselves) involving the acknowledgement, careful attention and/or valuing of them, as well as conscious actions in accordance with this attitude. Sometimes there is compatibility between acknowledgement, attention and valuing, and sometimes there is not; for example, respect might arise out of fear or submission to authority.
* Respect can be experienced as being independent of our own likes and dislikes, and in this sense it is a kind of deference.
* A common position in ethics is for humans to accord each other a level of respect that recognises them as having equal status to one another: that is, regarding them as an end in themselves, not objectified as a means to an end. When something or someone is a means to an end, it refers to its or their value being in their usefulness. When something or someone is an end in itself, it refers to it or them being valuable in themselves and not linked to some kind of usefulness. One area of debate is whether this level of respect should be extended to non-humans such as animals and the wider environment.
* Respect involves a degree of thought about exactly what it is that we are respecting, which then helps us to see how to respect it. So does acknowledging that respect is independent of our own desires, which leads to actions not motivated to manipulate the object of respect into serving those desires. Exactly what kind of actions express respect is another area of debate.
* Tolerance involves disagreeing with something but nevertheless accepting it or not interfering with it. This is because the reasons for accepting it do not overstep identified limits to tolerance for that particular context. It assumes some kind of power to interfere, making it distinct from *enduring* something.
* One area of contestability concerning tolerance is where to set the limits: that is, to identify where reasons for non-acceptance or interference become stronger than acceptance.
* Another involves recognising that tolerance is a kind of ethical judgment that might concern a position thought to be fundamentally unethical, such as someone who is racist tolerating a particular ethnic group. This example illustrates how there can be a distinction between respect and tolerance. Let us assume that the tolerance is for pragmatic reasons: for example, to keep civil peace. It can easily be seen that the racist does not respect the group and yet tolerates them.
* It is possible to be respectful and tolerant; for example, religious groups may disagree but regard each other as equals.
* Another area of contestability regarding tolerance is how much respect should be involved to truly call someone tolerant.

**Sample learning activities:**

* Justify a particular action as fair or not: for example, as part of an exploration of government interference; a fictional text; or discriminatory behaviours that could influence the wellbeing of members of the community.
* Investigate contemporary or historical debates involving fairness and equality, and discuss what different stakeholders value more and why. Sources could be drawn from civil freedoms (for example, debates on delivering different punishments for similar crimes), political participation (for example, historical and current debates on voting age and who should be able to vote or stand for parliament), social positions and opportunities (for example, current debates on transgender inclusion in sport), and economic rewards (for example, debates about equal payment for men and women).
* Use the concepts of respect and tolerance to discuss appropriate actions in a particular context, such as free speech and the conduct of a debate.

**Content description:** Explore a range of ethical problems and examine the extent to which different positions are related to commonly held ethical concepts and principles, considering the influence of cultural norms, religion, world views and philosophical thought ([VCECU020](https://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCECU020))

**Relevant achievement standard extract:** [Students] examine complex issues … and analyse commonality and difference between different positions.

**Sample key concepts and ideas:**

* People use the ethical concepts that they value as a basis for their guiding ethical principles.
* Sometimes different people value the same ethical concepts and share the same guiding principles, but they reach different positions on what actions might result from the shared ethical principle.
* There are several reasons why people may agree on an ethical principle but disagree on what actions should be undertaken when faced with an ethical issue. These reasons are similar to why principles may differ between people and groups (see [VCECU015](https://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCECU015)) and include differences in:
* context, experience or knowledge bases to draw on and hence different understanding of what the consequences of particular actions might be
* responsibilities or goals
* levels of power and influence
* cultural, religious or philosophical backgrounds that have informed how a particular ethical principle is understood
* understanding of how to interpret certain laws or rights (for example, property) and how they relate to the shared ethical principle
* knowledge of the range of ethical principles available to help guide action, beyond the shared principle, leading to differences in the overall set of principles
* ways of making decisions (for example, differences regarding the importance of taking into account feelings, conscience, reasoning or different dispositions).

**Sample learning activities:**

* Using a stimulus text that expresses views on a social or scientific issue, discuss why people may share values such as respect and tolerance but differ on what they believe are appropriate actions associated with being respectful or tolerant.
* Use an example from a familiar context to discuss how ethical principles may be shared but result in different actions: for example, caring for pets or conduct during sport.
* Explore differences in stakeholder perspectives on actions in response to an issue such as an environmental challenge, and discuss whether awareness of underlying principles could assist in resolving disagreements.

**Content description:** Distinguish between the ethical and non-ethical dimensions of complex issues, including the distinction between ethical and legal issues ([VCECU021](https://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCECU021))

**Relevant achievement standard extract:** [Students] examine complex issues [and] identify the ethical dimensions.

**Sample key concepts and ideas:**

* Complex ethical issues involve more than one question or area of contestability, diverse people/groups or are part of a wider problem.
* An ethical consideration or dimension identifies something to take into account when making a judgment about what is good or bad, right or wrong, better or worse in the context of questions such as: How ought we/I live? What sort of society do I/we want? How should we treat others, and who is the ‘other’? People? Animals? The environment?
* Before we make a decision, we should be able to recognise ethical considerations. We should also recognise any non-ethical considerations: that is, those that do not necessarily concern right or wrong. These considerations will depend on the specific scenario. For example, aesthetic preferences are often not concerned with right or wrong; some laws are not in place in response to ethical concerns, such as heritage overlay; and some conventions are not in response to ‘right or wrong’, such as an island nation choosing whether to drive on the left or the right side of the road (while it is an ethical concern that the convention is applied consistently, choosing the left or right side is not an ethical decision per se).
* The ethical status of some laws may be contestable: for example, safety standards, which may be considered to be too low or in fact too high (leading to significantly greater expense for little safety value-add and issues of complacency). So it should not be assumed that just because something is legal, it is ethical. Similarly, just because there is no law against something does not necessarily mean it is ethical to act in a certain way.
* A complex issue may involve many ethical considerations and these may need to be prioritised, or some disregarded altogether. For example, it could be distracting in some circumstances to have as a key focus the choice of a meeting location, whereas in other circumstances it becomes an important ethical consideration: for example, disability access for a meeting participant.
* Guiding questions to help identify ethical considerations in complex issues include:
* Who is involved (specifically, list of stakeholders/affected parties) and how much power or authority do they hold?
* What are their intentions or interests and what gave rise to their intention (are they disposed to certain acts or perspectives)? What is valued by those involved? Are these values ethical? Do actions reflect these values?
* Is there something inherently right or wrong in an act itself or in how an issue has been interpreted?
* Is there an ethical duty (or multiple duties) at stake, including ones associated with human rights? Is there a legal duty and if so, does this reflect an ethical duty?
* How will different people/groups be affected in terms of harms and benefits over the short and long term?
* Are some people or groups involved more important than others? Why?
* Is it possible to identify one or more ethical dilemmas?
* What is the overall goal/outcome? Is it something that could be judged right or wrong, good or bad, better or worse? For whom?

**Sample learning activities:**

* Examine an issue where what is ethical and what is legal may be at odds (for example, gender pay gaps, safety considerations globally, or responsibilities to act sustainably) and analyse ethical considerations and stakeholder perspectives.
* Use the guiding questions (see sample concept and ideas above) on identifying ethical considerations to assist in planning focus areas for research into a topic of interest.

**Content description:** Discuss issues raised by thinking about consequences and duties, in approaches to decision-making and action, and arguments for and against these approaches ([VCECD022](https://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCECD022))

**Relevant achievement standard extract:** Students analyse and evaluate contested approaches to thinking about consequences and duties in relation to ethical issues.

**Sample key concepts and ideas:**

***Consequentialism:***

* All of our actions have consequences, some intended and some unintended, some foreseen and some unforeseen.
* Consequentialism holds that ethical judgments should be based on the foreseeable consequences, or outcomes, of an act.
* A common expression of consequentialism is utilitarianism; the principle of utility holds that actions or behaviours are right insofar as they promote happiness or pleasure, and wrong where they tend to produce unhappiness or pain.

***Duty-based (deontological) ethics:***

* A major alternative position to consequentialism (utilitarianism) is deontology or ‘duty ethics’.
* Duty-based ethics holds that ethical judgments about an act should be based on the act itself, regardless of the consequences.
* This theory establishes ‘duties’ that we should accept as general rules for guiding ‘good’ behaviour, such as always acting to keep a promise or never to lie. It uses these duties to distinguish between right and wrong.

***Key points against consequentialism:***

*(Note that any of these points may be contested.)*

* Consequentialism may create a duty ‘to act always in the way that will cause the most good/happiness/pleasure/utility or the least harm’.
* Even if we were to accept this as a duty, it is not really deontological because it is a decision that must be remade in every circumstance based on context and consequences.
* The ‘duty’ to always act in a way that will cause the most good or least harm is vague. It would not allow us to know what we would do ahead of having to make the decision (as duty-based ethics would).
* Following a consequentialist principle such as acting to maximise happiness for the greatest number may mean that the few suffer. Is this acceptable?
* Similar to duty-based ethics, how we view the strength of our obligations may affect how we judge the significance of consequences: that is, how much the harm or benefit matters. It may also affect who is included in judgments of actions that will create the ‘most’ happiness or ‘least’ pain and for whom.
* There is some debate within consequentialism about how we judge ‘good’ (is it happiness, pleasure, something else?) and in how we judge pain (for example, intensity versus duration or the significance of mental or physical suffering). There can also be debate about weighing the ‘good’ against ‘harm’ – is some harm worthwhile to serve a greater good?
* If we have to always assess the consequences of our actions to determine the ‘right’ thing to do in each individual situation, we may be paralysed and unable to act.

***Key points in favour of consequentialism:***

*(Note that any of these points could be contested.)*

* The outcomes of actions last beyond the action itself and therefore matter more than the action itself.
* It takes into account the happiness of others in an impartial way and so cares for humanity more broadly.

***Key points against the duty-based (deontological) approach:***

* Following rules rigidly without regard for consequences can lead to outcomes that many might find unacceptable: for example, a perceived duty to uphold a right for freedom of movement or expression during an emergency.
* Duties sometimes come into conflict or compete with each other, which is often characteristic of an ethical dilemma. Merely having a set of rules to follow may not in itself shed light on how to resolve the dilemma.
* Sometimes duties can be difficult to interpret, either in understanding the concepts involved or what actions they entail: for example, the duty to provide an education that promotes understanding, tolerance and friendship between nations (see the associated right to education in Article 26 of the [United Nation’s Universal Declaration of Human Rights](https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Everyone%20has%20the%20right%20to%20education.)).

***Key points in favour of the duty-based (deontological) approach:***

*(Note that any of these points could be contested.)*

* By allowing us to take into account special obligations to family and friends, for example, it is less demanding than consequentialism.
* Actions that are ethically praiseworthy and not praiseworthy are often clear.
* It seems better aligned with general understandings of right and wrong.
* It can allow people who are not involved in a particular situation to hold people that are involved to account (as duties are right no matter what the circumstances).
* It seems to provide objectivity and certainty as it requires following set rules.

***Other points to consider:***

* Intentionally deciding not to act is still an ethical decision.
* People are not really either/or; many people will use consequential or duty-based principles according to the situation and context of the decision, or consider both duties and consequences to make an on-balance judgment.

**Sample learning activities:**

* Use a thought experiment such as the trolley problem first posed by philosopher Philippa Foot (see, for example, ‘The Trolley Problem’, BBC Radio 4, available on [YouTube](https://www.youtube.com/watch?v=bOpf6KcWYyw)) to draw out contestabilities related to utilitarianism, and use an ethical dilemma as a stimulus for contestabilities related to duty-based ethics.
* Students investigate an ethical issue and compare how utilitarian and duty-based ethics would approach decision-making and actions in relation to the issue, and justify their own response drawing on the two approaches. The ethical issue may come from a fictional text (for example, ‘Should Batman kill the Joker?’ by Mark D White and Robert Arp 2008, available on the [New York Times website](https://www.nytimes.com/2008/07/25/opinion/25iht-edwhite.1.14793506.html)), or may be in response to a current debate such as whether it is reasonable for governments to break their promises.
* Investigate artificial intelligence and discuss whether autonomous vehicles or robots should be / could be programmed to make decisions along utilitarian or duty-based lines.

**Content description:** Investigate how different factors involved in ethical decision-making can be managed by people and groups ([VCECD023](https://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCECD023))

**Relevant achievement standard extract:** [Students] explain how different factors involved in ethical decision-making can be managed.

**Sample key concepts and ideas:**

* When making ethical decisions we must consider a variety of different factors: for example, the emotions of those involved; the dispositions of those involved (their tendency to be brave, selfish, honest and so on); the particular context; and what past experience is telling us.
* When making decisions we must use some strategy or approach that manages these factors both individually and in relation to each other, which is a complex process.
* We must manage these factors even if we are not doing so consciously or with full knowledge; that is, we may be managing them based on assumptions or unexamined habits.
* If we are more aware of how we are managing the factors involved in an ethical decision, this may assist us in making better decisions.
* One of the most common approaches to intentionally managing ethical decision-making is a rational one. This involves using critical thinking skills to analyse relevant factors and reach a conclusion.
* For many people the rational approach will be a default process for managing the factors involved in an ethical decision, but there are other approaches, such as ethics of care, compassion and conscience. These could complement a rational approach.
* In some cases (or by some people) these other (irrational or non-rational) processes might be dismissed as ‘emotional’ and therefore somehow less valid: for example, because it is assumed that emotion undermines impartiality, which is thought to be needed when weighing up competing alternatives.
* However, when the decision is seen as ‘too rational’ or ‘devoid of emotion’, there is often a reaction against that decision and/or against the way in which the decision was made.
* Many see the emotional/conscientious influence on our ethical decision-making as a crucial aspect of what it means to be human.
* It may be that different circumstances require different responses – compare government agencies negotiating with communities made up of different stakeholders to personal decision-making, for example.

**Sample learning activities:**

* Present a scenario involving an ethical issue(s) to students and compare how decision-making could be managed if it were a personal decision, a decision for a group with similar interests, or a decision amongst stakeholders with different interests: for example, in relation to an environmental challenge where it is imagined that the environment involved is on private property and then on public land.
* Investigate how factors involved in decision-making are managed in relation to a current or historical ethical issue: for example, how charities or non-governmental organisations (NGOs) manage stakeholder views regarding distribution of funds compared to a single philanthropist.