

May 2000

Dear Friends:

Last month I spent an hour on a radio talk-show in Arizona. Four days before, federal agents had forcibly returned Elián González, the shipwrecked Cuban boy, to his father. That news was classic talk-show fodder: guns, kids, feds, pols, families, Commies, the whole works. No wonder we talked about it.

If you were crafting a Hollywood script, in fact, you couldn't have created a fiction better than these realities. At the center is Elián himself—innocent, alone, endearing. He's only six—too young, say the courts, to determine his own future, although having survived for days floating in the ocean, he's already endured more than his judges ever will.

Then there's his unimaginably complex context. His mother, having made the ultimate sacrifice to bring her son to her vision of the Good Life, is dead. His father still lives in Cuba with his second wife and a loud parental yearning to take his son back home. His relatives in Miami, though not always model citizens themselves, give every indication of cherishing the boy and despising the regime from which he escaped.

And that's just the human side. Now set your script in the context of a 40-year standoff between the world's principal democracy and the last holdout of communism. Make sure you sketch in the economic contrasts: a Florida economy so lush that immigrants find jobs almost without looking, compared to a Cuban economy so rank that government rationing provides less than two weeks of the minimum food requirement each month. Make sure you consider education: the United States, where unprecedented numbers of students are the first in their family ever to attend college, compared to a country where, since Soviet support evaporated in 1989, university enrollment has been cut in half. And make sure to emphasize the geopolitical tensions: Cuban refugees loathing Castro but longing to see their nation join the family of democracies, even while Castro sends signals that, if nothing ruffles the waters, he's ready for greater rapprochement.

As though that weren't enough, set the whole thing in a presidential election year. Put a Democrat in the White House. Make it clear that, as much as the president wants to help Al Gore by appeasing the conservative Cuban business community in Florida, there's little political advantage in doing so—since Florida's electoral votes may already be lost to Republican George Bush, whose brother Jeb is the state's popular governor.

Now, want some real drama? How about an early-morning raid by the Justice Department to capture Elián from his relatives' modest home in Miami's Little Havana neighborhood—doors broken open, screaming family members pinned in place by gun-toting officers, a terrified-looking Elián spirited into a van. And (unless you thought moviegoers might dismiss it as utterly unbelievable) you could even write in a photographer snapping what would become one of the iconographic photos of our age—complete with storm trooper, menacing gun, and frightened boy clinging to the arms of the same man who actually plucked him from the waves months ago.

Given all this, it will be among the wonders of our age if Elián's story does *not* become a movie. Yet the story is more than just a docudrama. It presents one of the most gripping moral dilemmas of our time. If, over the months, it hasn't come across that way, the problem lies in the language. Most news commentary uses either the language of politics or of economics. The former sees Elián's case as a power struggle between winners and losers. The latter sees it as a mercantile relationship between two potential trading partners. Both are valid. But each misses the ethical point. To understand Elián's story fully—to see why its tensions are so polarizing and intractable—you need a language of ethics.

That language helps us understand this dilemma as one that pits two right moral choices against each other in almost perfect balance. On one hand are those who say, "Keep Elián in the United States." Their case focuses on what's right for a single individual, Elián himself. On the other side are those who say, "Let him return to Cuba." For them, what matters is a broader community that involves, ultimately, the father-son relationship, the interplay of nations, and the role of legal precedents. The key points in this individual-versus-community dilemma run something like this:

Individual. In this argument, Elián should stay here. That was the desire of the parent—his mother—who sacrificed most for him. Keeping him here will place him in a democracy that respects his individuality and guarantees him the greatest freedom to develop into an educated and economically able adult. Send him back, and he'll be marinated in the rhetoric of a failed communist system intent on suppressing his freedom and individuality. And as for the claims about the father's right to raise his son? While that's valid in many countries, it has no bearing (says this argument) on Cuba, where children are treated as wards of the state. Under old-style communism, children are regularly instructed to betray their parents to authorities if they see any suspect behavior. One can only imagine the state-directed punishment leveled at any father who might assert his right to raise a child as he wished.

So why would you send him back? Would you return an escaped child to Hitler's Germany? Would you send him back if you knew the parent to be abusive, a terrorist, or a drug runner? Then why (goes this argument) send him back to this "parent" who is not, in fact, Juan Miguel González, but the all-consuming Big Brother state from which neither father nor son might ever again be free? You have in your hands the opportunity to provide a child with a life of promise, hope, and freedom. By what possible moral reasoning would you justify a deliberate refusal to allow him the same opportunity to develop that you demand for your own children?

Community. In this argument, Elián should return to Cuba. Much as we love him, the case revolves around far greater principles than the life of a single individual. At stake here is the rule of law, where the future of a minor child must be decided not by the U.S. courts but by his one remaining parent. Once you breach that principle (says this argument), you open up the potential for unlimited oppression, as the state creeps further into family life and makes even U.S. democracy smell suspiciously like Castro's communism. This is not an argument in favor of Castro: Sending him back does not require us to applaud the failings of that aging dictatorship.

It simply admits that, if there are to be law-abiding relationships among sovereign states, they must be governed by those laws at every turn, rigorously, with no emotional exceptions.

In war, would you jeopardize an entire army to save a single life? No more (says this argument) than should you risk unraveling years of diplomacy over a single individual. Yes, Elián may suffer in returning. But if that moves us closer to the day when millions of Cubans can live in a democracy—and when Elián the adult can travel freely to Miami any time he wishes—the suffering would have been worthwhile.

The arguments could go on. Yet one has the sense that neither side is swayed by the other's views. Why? Again, the answer lies in the moral realm, where three noble but competing principles are locked against each other. Those who believe Elián should stay are probably most apt to use an ends-based principle. Those who think he should go probably find rule-based thinking most meaningful. Those who want only what's best for Elián turn to a care-based approach. Here's how:

Ends-Based. Under this utilitarian principle, ethics happens when you do the greatest good for the greatest number. You measure the ethics of an act by its consequences, its outcome, its ultimate ends. If the outcome is good, you made the right moral choice. Sure, sending Elián back might give lots of people a bit of long-term good, if and when Cuba moves toward democracy. But it would produce so much bad so quickly for this one little boy as to outweigh the modest gains for the many. If ethics is about real outcomes for real people, your only moral choice is to keep him here.

Rule-Based. Under this Kantian approach, what matters is not outcomes and consequences, but motives, principles, and universal precedents. Looking not at the immediate effect, the rule-based thinkers seek a precept or law that should be acted upon in every case from now on. If what you are about to do must become the rule for every act in similar circumstances from now on, what would you want the ethical person to do? Well, for starters, obey the law governing immigration. More forcefully, perhaps, establish the universal principle that parents are the ultimate determinants of their children's futures. Never mind that in some cases the parents might be imperfect or live in deeply flawed nations. If ethics is about finding universals that guide behavior in every circumstance, then you must send him back.

Care-Based. Under the Golden Rule the question becomes, "If you were Elián, what would you want?" That's a tough call. He seemed happy in Miami with his relatives. He also seems happy with his father in Maryland. But think outside that box: What if you were his mother, or his father, or his relatives? Putting yourself in different shoes produces startlingly different answers.

Seen this way, it becomes clearer why Elián's story has fired such emotion on both sides—why, according to ongoing Gallup surveys, a majority in the United States favors his return (though they deplore the violence used to extract him from Miami), while a large and vocal minority feels passionately that he must stay. This is no mere political or economic flare-up. Nor is it simply a right-versus-wrong situation, in which one side only has the moral high ground. No,

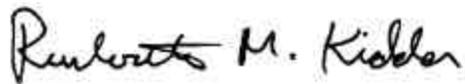
what makes this case so grueling is that each side is right. There are good, well-meaning people in both camps who feel strongly that they are doing the ethical thing. And so they are. They're simply using different ethical principles. Each principle is noble. Each is relevant. And each produces its own resolution.

Elián's case, then, is a cameo for the toughest decisions facing any democracy. Moving into the 21st century, we seem to be outgrowing the simplistic, right-versus-wrong issues. In the future, moving toward resolution will require one of two things. We will either conclude that one side has the higher right (a very different thing from saying that the other side is "wrong"), or we will seek to shift the *dilemma* into a *trilemma*, finding a middle way that partakes of both sides. In the language of ethics, that middle way represents the highest nobility. Why? Because it honors the deep ethical principles on all sides.

Are there trilemma options here? Certainly, though they're clouded with political and diplomatic uncertainty. What if Elián's father defected from Cuba and remained in the United States? What if the Cuban dictatorship collapsed into civil war, rendering moot the possibility of any return? What if Castro were willing to use this issue as the ultimate bargaining chip—trading Elián's freedom for increased economic aid and greater interchange with the developed nations? As we contemplate these and dozens of other permutations, one point stands out clearly: We don't know the outcome of any dilemma until we get there, and we're sometimes not very good at foreseeing results.

Yet one thing is certain. This movie will end, and the script will have to choose a conclusion. Whatever it is, it will have taught us to think more deeply about ethics. And it will have reminded us that the world will mature in proportion as it finds a moral language for its toughest issues. Only in that way will 40 years of standoff finally have a hope of resolution. And only in that way will Elián's experience have been worth the human price.

Sincerely,



Rushworth M. Kidder