

Part 1

Theoretical Underpinnings of Ethics

Part 2

**Moral Reasoning &
Professional Ethics**

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Late last night, when you were parking your car, you happened to bump into a car in front of you. You noticed that you had dented the bumper on that car.

There is an ethical dimension to your thought process here.

If you ignore the ethical dimension, what – in general terms – are you ignoring? Can you generalise this, so that you can identify what it is that makes an ethical consideration an ethical consideration?

Don't use any of these words:

'right', 'ethical', 'moral', 'ought', 'good', 'should'

A (maybe the) hallmark of ethical thinking

recognition that there are appropriate interests other than your own, that should act as constraints on unbridled pursuit of self-interest

List the four or five most important ethical characteristics possessed by someone you greatly admire.

Amazing Coincidence

Dispelling the significance of *relativism*

Honesty

Integrity

Fairness

Compassion (caring)

Openness

Exercise concerning bumping your car into someone else's.

Thinking here is focussed on answering the question,

What should I do?

Exercise concerning identification
of important moral characteristics.

Thinking here is focussed on
answering the question,

What kind of person should I
be?

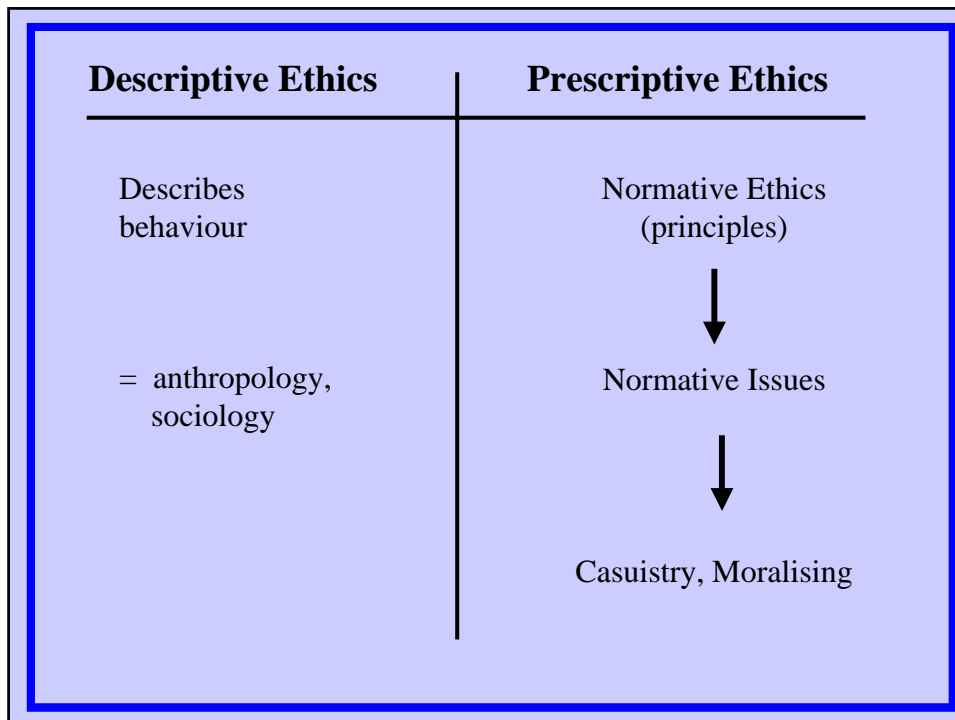
Descriptive Ethics

Investigates what people do, and what
they think are the right things to do.

“As a matter of fact, this is what they
do think.”

Prescriptive Ethics

Reaches a view about what *ought*
to be done, and how people *should*
behave.



What makes moral reasoning so difficult?

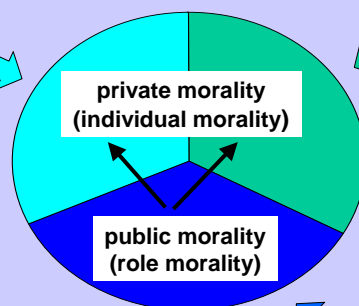
Moral = Ethical

vs.

- prudential
- political
- preference
- artistic
- ...
- ...

Ethics

Rules



Consequences,
Outcomes

e.g.,

- professional code,
- law,
- loyalty to employer,
- confidentiality,
- requirements of one's role in an organisation

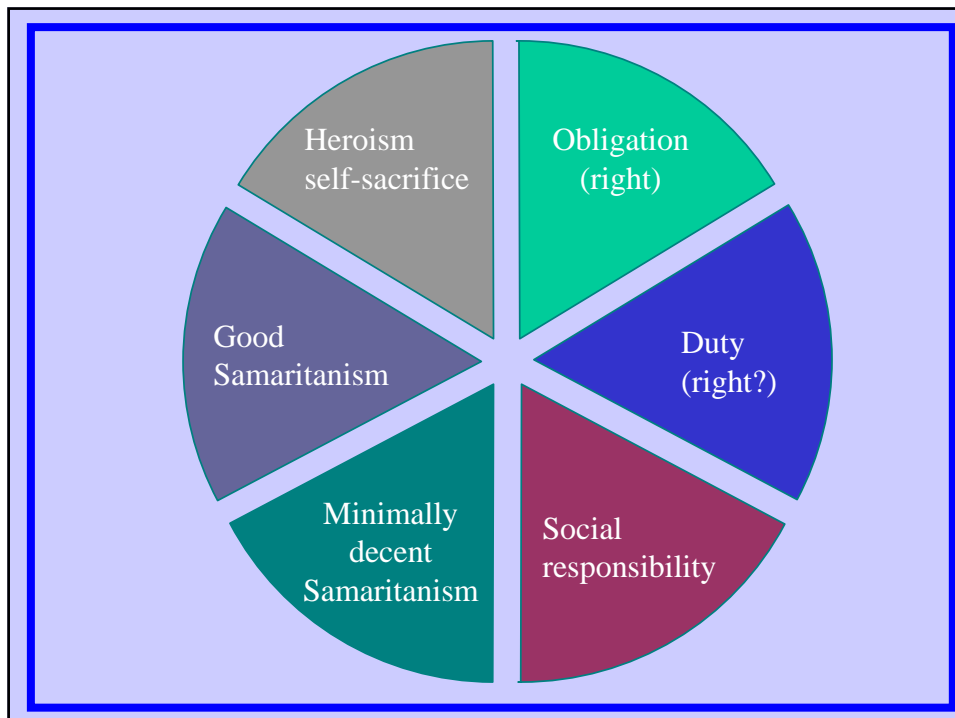
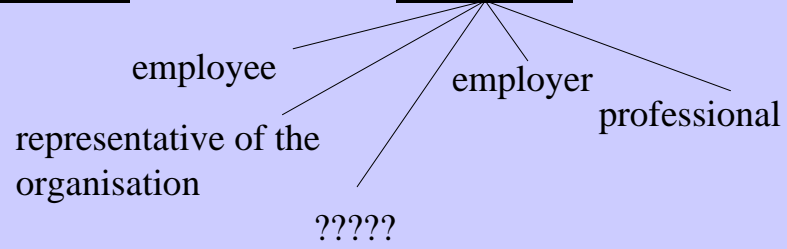
More?
What else?

Ethics in public and private life

Public & Private Morality

Individual

In a Role

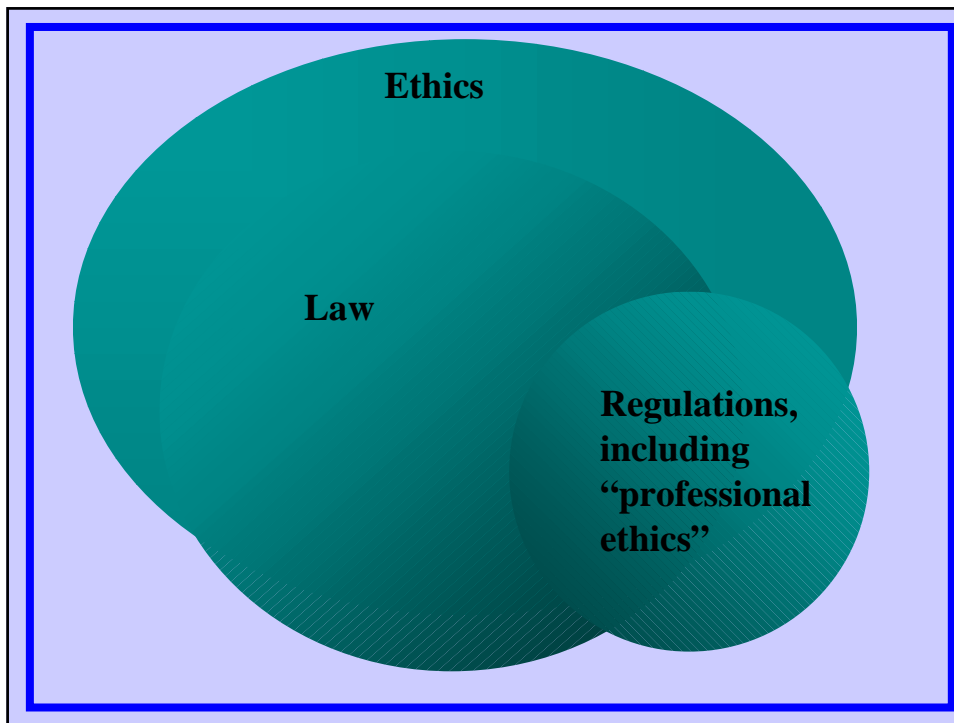


How precise can we be in talking about ethics matters?

“Our discussion will be adequate if it has as much clearness as the subject-matter admits of... [I]t is the mark of an educated man to look for precision in each class of things just so far as the nature of the subject admits. It is . . . equally foolish to accept probable reasoning from a mathematician and to demand from a rhetorician scientific proofs.”

Aristotle, *Nicomachean Ethics*, Bk. I, Chap. 3 (circa 330BC)

**At work, you don't
leave your private,
personal values at the
door!**



Who's to judge?

The answer to this question is always the same:

You, as an individual.

Ford Pinto

Compete with sub-compacts

“2000, 2000”

no more than \$2000

no more than 2000 pounds

Get it ready in no more than 25 months – rather than the standard 43 months

Product objectives: size, weight, price, fuel consumption, reliability, appearance, comfort, features, ride and handling

“Safety doesn’t sell”

Lee Iacocca, President, Ford Motor Company

“this company is run by salesmen, not engineers; so the priority is styling, not safety” (Ford engineer – anonymous)

“safety = acceptable risk”





"Safety is not one of the objectives and is not even mentioned in the 'green book'."



"Every crash test made at over 25mph resulted in a ruptured fuel tank."

"That's all true (the fact that the car tends to explode in minor accidents). But you miss the point entirely. You see, safety isn't the issue, trunk space is. You have no idea how stiff the competition is over trunk space. Do you realise that if we put a Capri-type tank in the Pinto you could only get one set of golf clubs in the trunk?"



Benefits of making the change:

Savings: 180 burn deaths, 180 serious burn injuries, 2100 burned vehicles

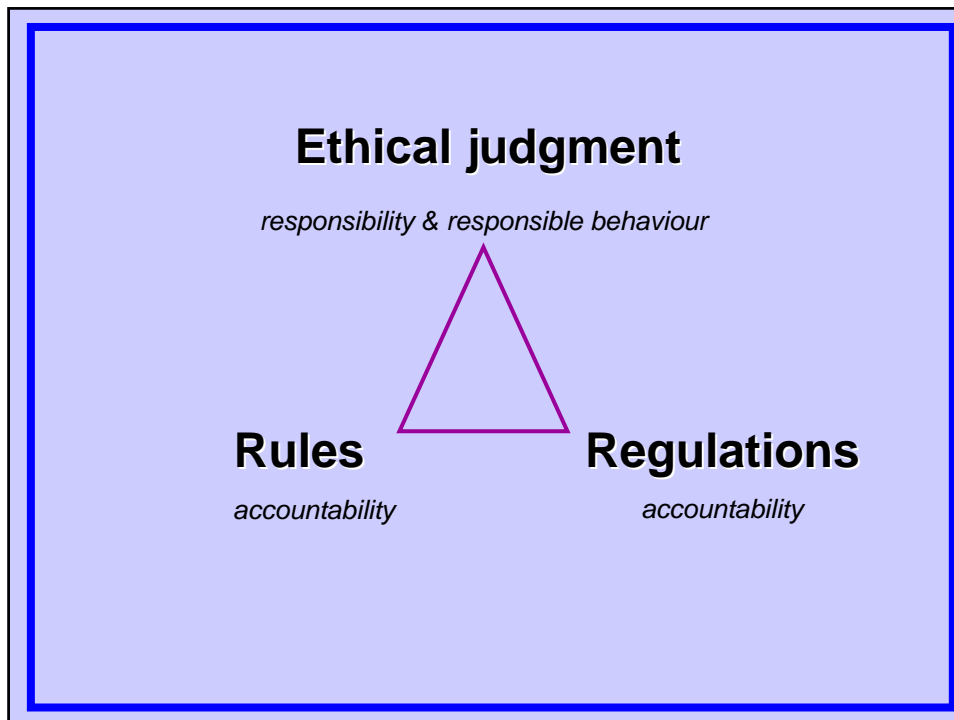
180 burn deaths @ \$200,000
 180 serious burn injuries @ \$67,000
 2100 burned vehicles @ \$700

180 x (\$200,000)
 + 180 x (\$67,000)
 + 2100 x (\$700)
 = \$49.53 million benefit

Costs of making the change:

Sales: 11 million cars, 1.5 million light trucks @ \$11 per vehicle

Total cost: 11,000,000 x (\$11)
 + 1,500,000 x (\$11)
 = \$137.5 million cost



<u>Accountability</u>	<u>Responsibility</u>
<ul style="list-style-type: none">▪ historical track▪ tick the box▪ reveals liability▪ directives (rules)	<ul style="list-style-type: none">▪ proactive▪ “take responsibility for”▪ judgment / discretion▪ ethical empowerment

1. Avoid moral negligence.

i.e., ask, “is there a moral dimension to the problem here?”

2. Avoid moral recklessness.

i.e., ask, “have I adequately addressed the moral concerns?”

3. Avoid moral blindness.

i.e., ask, “have I identified all the moral areas of concern, and the moral values involved?”

4. Exhibit moral competence.

i.e., deal with the issue, displaying an awareness of its elements and facility with ethical concepts and tools, if there are any.

Whistleblowing

➤ Internal

- Reporting through channels
- Doing an end run

➤ External

- Going outside the organisation
 - regulator or other authorities
 - public

Challenger Space Shuttle: Jan.28, 1986



Normative Ethical Theories

Consequential (teleological)

Egoism
(oneself)

Nationalism
(the nation)

Epistemism
(knowledge)

Utilitarianism
(happiness, pleasure, welfare,
"general utility")

Jeremy Bentham
John Stuart Mill
Peter Singer

Non-Consequential (deontological)

Rights?

Duties?

Contracts?

Fairness?

Immanuel Kant

Immanuel Kant (1785)

The only thing that is good without qualification is a good will – i.e., a will which wills well (does a good job willing). The good lies in the willing, not in the particular thing which was willed.

This has to be the basis of morality. Any other proposed criteria are either inappropriate or inadequate.

“duty” – not “inclination” or “achievement of some particular result” – is the central notion of morality.

This is the only thing which makes sense:

Otherwise, rightness and wrongness are matters of fortuitousness (luck) or simply a person’s natural characteristics (like height, weight, and, perhaps, sense of humour), rather than necessary characteristics, and behaviour that we can exercise control over. And that is simply not how we think about morality.



Autonomy is what’s important.
Autonomous choice.
Autonomous decision-making.
Autonomous willing.

Willing well is a matter of consistency and universalisability:

The test –

Could what you are willing become a universal law?
That is, “what would things be like if everyone did it?”

It’s not a matter of whether or not you would *like* it; but whether it could even be possible for there to be such a world.

- Duty as the basic moral feature
- Good will
 - ✓ Not in terms of effects
- Avoidance of hypocrisy
- Good will → duty
- Not character

Hypocrisy

a “practical” inconsistency between what a person believes about themselves, and how that person actually behaves

John Stuart Mill (1861)

When we engage in any action, we first have some idea of what we're trying to accomplish. A reasonable gauge, then, of rightness and wrongness would seem to be whether the means we've chosen to get there actually do the job.

In the most general sense, what we're out to achieve is happiness. There is no in principle reason why our own happiness is preferable to anyone else's.

Therefore –

“actions are right in proportion as they tend to promote happiness; wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure and the absence of pain; by unhappiness, pain and the privation of pleasure.”

Nothing else makes any sense.

“It is not my present purpose to criticize these thinkers [who thought they could deduce moral principles *a priori*]; but I cannot help referring ... to ... the most illustrious of them, ... [Immanuel] Kant. This remarkable man [lays] down an universal first principle as the origin and ground of moral obligation...: ‘So act, that the rule on which thou actest would admit of being adopted as a law by all rational beings.’ But when he begins to deduce from this precept any of the actual duties of morality, he fails, almost grotesquely, to show that there would be any contradiction, any ... impossibility, in the adoption by all rational beings of the most outrageously immoral rules of conduct. All he shows is that the *consequences* of their universal adoption would be such as no one would choose to incur.”

John Stuart Mill (1863), *Utilitarianism*, chap. 1, ‘General Remarks’

- Basis of morality
 - ✓ anti-Kant
- consequences are what matters
- Utilitarian principle

Contractarianism

E.g.,

– Thomas Hobbes (1651)

without society, there is "*continual fear and danger of violent death; and the life of man [is] solitary, poor, nasty, brutish, and short*"

Leviathan, Chapter 13

Without society, there is no ethics – just as there is no ethics among animals. Ethics requires that there be a contract among the parties concerned.

Ethical requirements (duties) = terms of the contract

– John Rawls (1971)

John Rawls, *A Theory of Justice* (1971)

The 'original position' – people are free and equal

What principles would people agree upon? Principles 'that rational and free persons concerned to further their own interests would accept in an initial position of equality as defining the fundamentals of their association' (p.11)

How can we figure out what these principles would be?

Operating from behind a 'veil of ignorance': 'no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like' (p. 137)

From this position, what principles would people agree on?

1. A 'principle of equality':

'each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others' (p. 60)

2. Social and economic inequalities are to be arranged so that

a. any benefits must benefit the least advantaged class (the 'difference principle'). (He's claiming that a 'minimax' strategy is the rational strategy.)

b. they are attached to offices and positions open to all under conditions of 'fair equality of opportunity' (p. 302)

Strategies (from game theory):

- Minimax – minimise your maximum loss
(Rawls thinks this is *the* rational strategy for accepting a political setup)
- Maximax – maximise your maximum gain
- Maximin – maximise your minimum gain

Procedural justice

a procedure for doing something can be just or not, depending on –

- Perfect procedural justice – you know what would be a just outcome, and there's a procedure that will guarantee it (e.g., cutting a pie for 8 people)
- Imperfect procedural justice – you know what would be a just outcome, and although there's no procedure to guarantee it, you can get a procedure that gets as close as you can get to it (e.g., criminal justice system)
- Pure procedural justice – the justice of the procedure doesn't depend on its producing any particular outcome. The outcome will be just, if the procedure itself is just (e.g., flipping a coin).

Virtue Ethics

Human Excellence

Virtuousness – exhibiting the virtues

aretē

Plato
Aristotle

honesty
trustworthiness
courage
•
•
•

Plato (*circa* 380 BC)

Virtues: those things that enable humans to function well as humans.

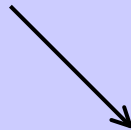
Function of a knife is to cut. A sharp edge allows it to perform this function well. So, a sharp edge is the virtue of a knife.

What are particularly human functions?

virtues are – courage, wisdom, temperance, justice

Plato

State (large, general)



Individual (small)

- Virtue as internal – not interpersonal
- Good person

Aristotle *(circa 330 BC)*

Question: “What’s ***IT*** all about, anyway?”

Answer: Happiness

What does happiness amount to, and how do we get to it – what are the characteristics we should develop in ourselves so as to arrive at happiness?

Whatever these characteristics are, they are the “human virtues”. Consider the types of things that humans do, and where they (we) find happiness; and then consider what is involved in doing them well or badly: these will be the corresponding virtues and vices.

Moral virtues – concerned with “doing things”

Intellectual virtues – concerned with “thinking”

- Happiness – end of the chain of “why?”
- Character
- Degree of precision

“Our discussion will be adequate if it has as much clearness as the subject-matter admits of... [I]t is the mark of an educated man to look for precision in each class of things just so far as the nature of the subject admits. It is . . . equally foolish to accept probable reasoning from a mathematician and to demand from a rhetorician scientific proofs.”

Nicomachean Ethics, Bk. I, Chap. 3

Relativism:

Values are different. They are relative to, for example, cultures, times, places, individuals.

- descriptive relativism: a matter of fact – it’s what goes on, culture-to-culture
- normative relativism: (a) the different views are all equally correct, and (b) we oughtn’t to interfere or judge other cultures’ values

Pluralism:

There is no one single moral theory or principle that should be accepted as preferable to others. There are different, diverse, and even mutually inconsistent ethical positions that should be recognised; and there is not necessarily any single moral principle or set of principles that everyone should accept.

Moral Judgments

Principled Judgments

Justifiable

Integrity

Moral Behaviour

Principled Behaviour

Justifiable

Avoidance of hypocrisy

He should not have taken
the money,

judgment

because that was stealing,
and stealing is wrong

rationale – reasons
that involve appeal
to (application of)
some principle

because it causes great
unhappiness.

**Generalisable (appeal
to principle)**: 'Whatever
causes great
unhappiness is wrong.'

Matters of judgment.

Situation is not black and white.

It depends on how you see it.

Tell a story.

Paint a picture.

Not every story,
or picture, or
way of seeing it
is as good as any
other. Why not?

What is it to engage in moral reasoning?

Top-down – principles are paramount and non-negotiable. They drive the reasoning and generate moral judgments.

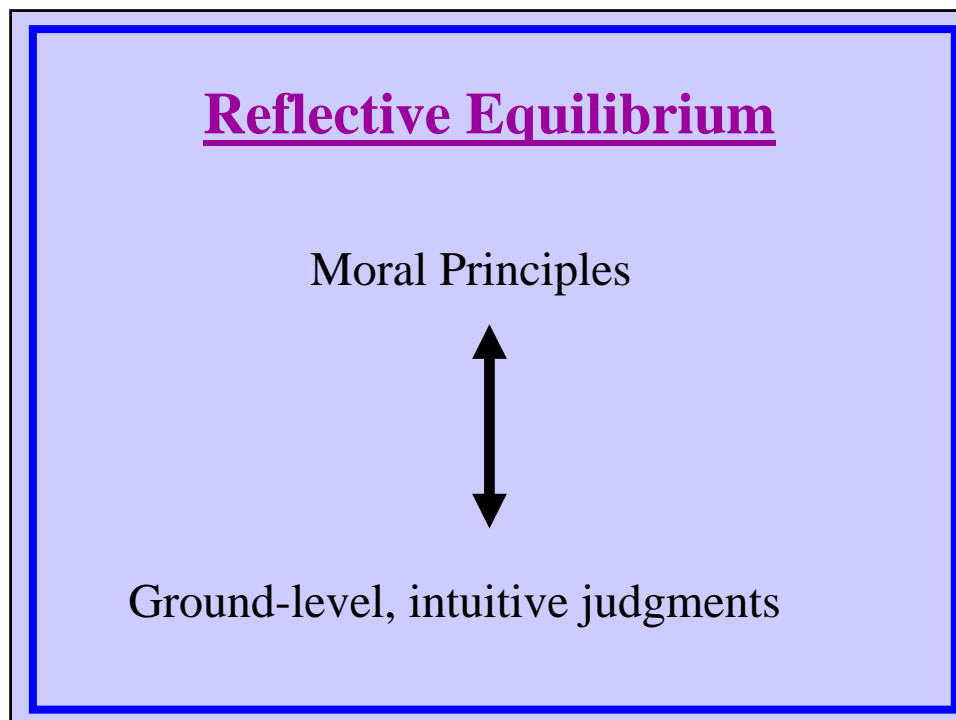
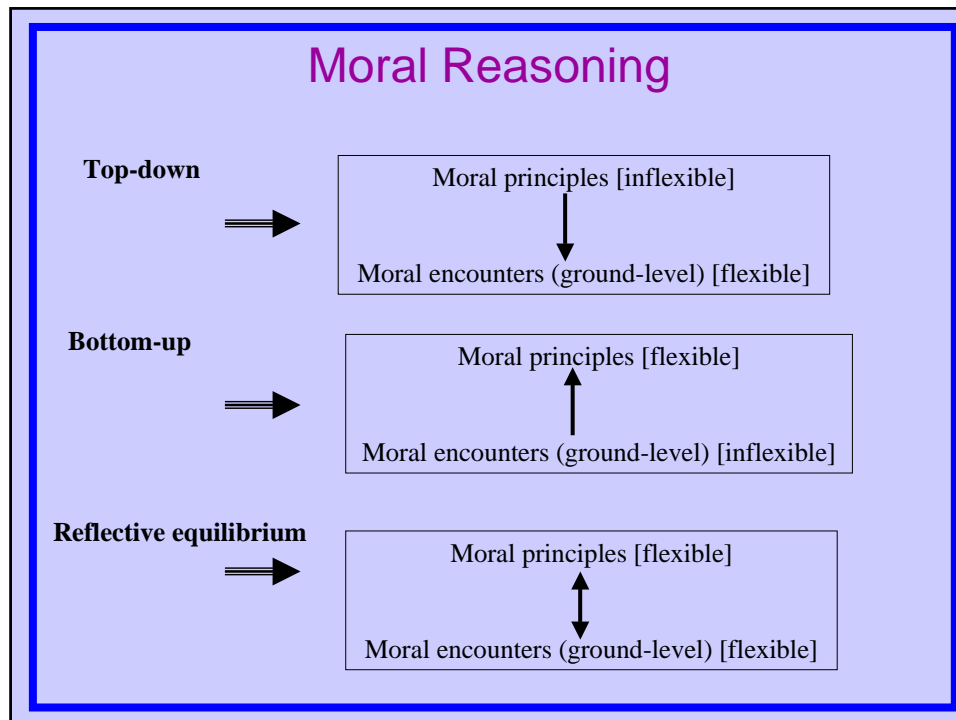
Bottom-bottom – actual moral judgments are paramount and all that matters.

Bottom-up – actual moral judgments are paramount. They drive the reasoning and generate principles.

Reflective equilibrium – neither principles nor actual judgments are paramount. Both are negotiable. There is significant interplay, negotiation, and massaging between them

consistency – the centrepiece

imaginative acquaintance – a tool for enabling fruitful consideration of a moral position



Re: “reflective equilibrium”

Consistency (or harmony) – the centrepiece

“imaginative acquaintance” – a tool for enabling fruitful consideration of a moral position

“narrative imagination” – imagine ourselves in someone else’s shoes, and their social world: their story. (Be an “imaginative humanist”.)

Matters of judgment.

Situation is not black and white.

It depends on how you see it.

Tell a story.

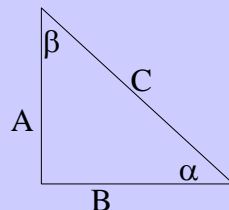
Paint a picture.

Not every story, or picture, or way of seeing it is a good as any other. Why not?

Problems and Dilemmas

Problems

$$2 + 2 = ???$$



Triangle ABC is a right triangle. Side A is 3.27 metres long. Angle α is 25 degrees. How long are sides B and C? How big is angle β ?

The class is scheduled to begin right now, but the door to the classroom is locked and none of us has the key. What can we do?

Someone is having serious trouble at the side of the road. Would it be a good thing if you did something to assist them?

It would be easier to complete your essay by simply cutting and pasting from a number of website articles and representing the work to be your own. Is it ok to do this?

Dilemmas

We could either retrench six of our employees, or else ask all twenty of the staff to take a pay cut. What should we do?

You happened to hear someone reveal some confidential and sensitive information to someone else, just as you were walking by the office. Is it morally permissible for you to make use of this information?

Exception which proves the rule

Counterexample

Anomaly

NOT

“Is it true that this is a counterexample?”

RATHER,

“Should we regard this as a counterexample?”

Informed Reasoning

Not simply

- Reactions
- Gut feelings
- Situation ethics

Rather,

- Systematic
- Justifiable
- **Principled**

Moral Judgments

Principled Judgments

Justifiable

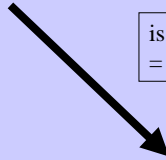
Integrity

Moral Behaviour

Principled Behaviour

Justifiable

Avoidance of hypocrisy

Moral behaviour

is ?
= ?

“principled behaviour”

- What are the principles?
- How do you get your behaviour to be “in line with” your principles?
- Avoidance of hypocrisy.

Business or Profession**Profession**

- member of a profession
- specialised body of knowledge
- credentialing body
- public interest is paramount
- client's interest
- exercise of judgment
- code of ethics
- public trust
- self-regulation (mainly)
- limited external regulation

Business

- “professional”
- specialised body of knowledge (maybe)
- credentialing body (maybe)
- code of ethics (maybe)
- limited self-regulation
- external regulation (mainly)

The Fundamental Principles of Professional Conduct (ICAA)

- The Public Interest
- Integrity
- Objectivity
- Independence
- Confidentiality
- Technical & Professional Standards
- Competence and Due Care
- Ethical Behaviour

Requirements of (for example) –

Engineers Australia

Association for Computing Machinery

British Computer Society

Australian Computer Society

IEEE

Institute of Electrical and Electronics Engineers
Software engineering code of ethics & professional
practice

ABET

Accreditation Board for Engineering & Technology

Professional Independence / Objectivity

Conflict of interest \neq being adversely affected
by a conflict

A person's *having* a conflict of interest is
not the same thing as a person's *being
affected by* a conflict of interest.

Conflicts of interest

Conflict of interest

- *Perceived* conflict of interest
- *Apparent* conflict of interest
- *Possible* conflict of interest
- *Potential* conflict of interest

You have a conflict of interest if, in the environment of offering an opinion, reaching a judgment, or making a decision, you have

- **(nonmoral) personal interests or**
- **inappropriate business or professional interests**

that conflict with the appropriate interests to be taken into account,

regardless of whether or not the presence of those competing interests affects your judgment.

And, there is not only a single appropriate response to all instances where there is a conflict of interest.

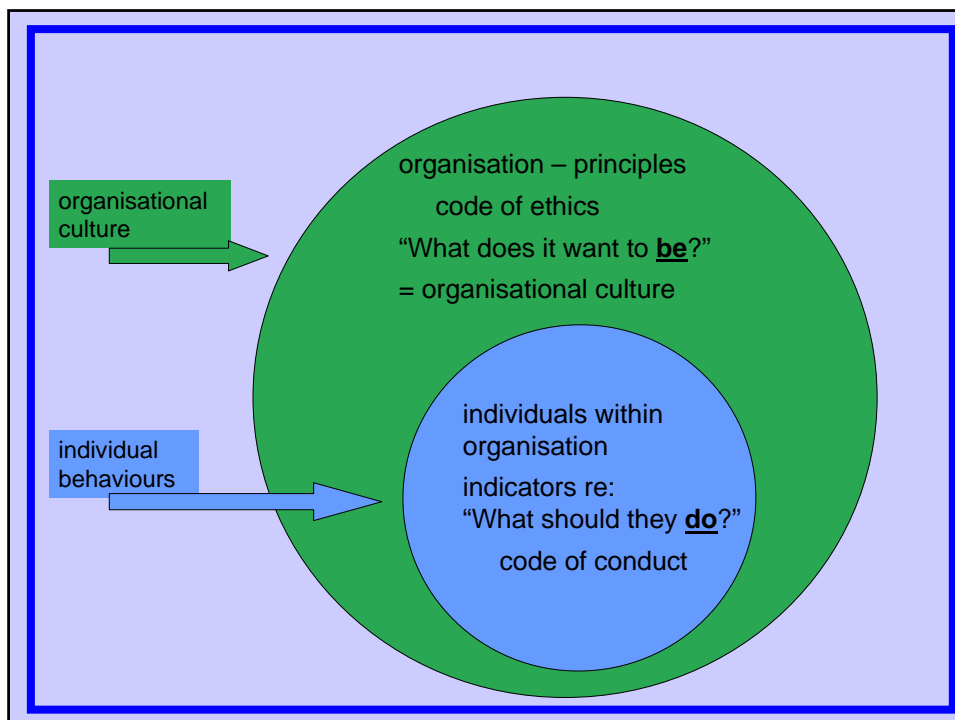
It is not one size fits all.

Conflict of reasons vs. Conflict of interest

Sometimes this can be a complex and subtle business.

You're asked to evaluate proposals (the reasons) for locating the second Clarence River bridge in one place rather than another. Of course there are opposing reasons (conflict of reasons) for one location rather than another. Considering them – and being more influenced or persuaded by some of them than by others – is precisely what you're supposed to be doing. There is no conflict of interest, although there is a *conflict of reasons*.

However, suppose you're a staunch member of the Liberal party, which, for whatever reason, strongly favours one location over another (and, just maybe one day you're going to run for office on the Liberal ticket). It will be good for the Liberals, if their preferred choice gets up. You have a *conflict of interest*.



Code of Ethics	Code of Conduct
general	specific
values / principles	prescriptions / directives
judgment	uniformity
“empowering”	enforceable statement of something specific
“aspirational”	

This is really tough!

A hierarchy

(suggested by William Frankena – about 40 years ago)

1. Don't inflict harm
2. Prevent harm
3. Remove harm
4. Do good

Dirty Hands

A situation in which –

doing something that is right carries with it something for which you are responsible which is wrong (morally bad), which, itself, does not evaporate simply in virtue of the rightness of your act.

Expression of sympathy

(you didn't do anything wrong)

"I'm sorry about what happened to you."

"I'm sorry for your loss."

Apology

(you did do something wrong)

"I'm sorry."

"I'm sorry for what I did to you."

<p>A</p>	<p>B</p>	<p>a) Should you ...?</p> <p>b) Is it morally ok if you ... ?</p> <p>c) Should you not ...?</p> <p>d) Have you done something wrong if you do -- or if you don't?</p>
<p>C</p>	<p>D</p>	<p>1. Agency is important (?) – e.g., consider B – ‘doing something’ vs. ‘allowing something to happen’.</p> <p>2. Moral imperatives -- what you should do, and what is permissible -- are different for public sector organisations from individual people (?)</p>