

❖ Theoretical Underpinnings of Ethics

❖ Moral Reasoning & Professional Ethics

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Thinking here is focussed on
answering the question,

What should I do?

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'

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 Normative Ethics

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

A (maybe the) hallmark of ethical thinking

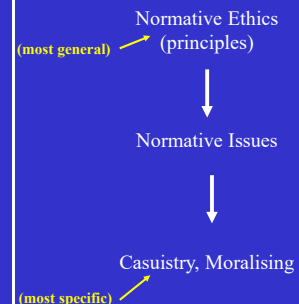
*recognition that there are appropriate
interests other than your own, that
should act as constraints on unbridled
pursuit of self-interest*

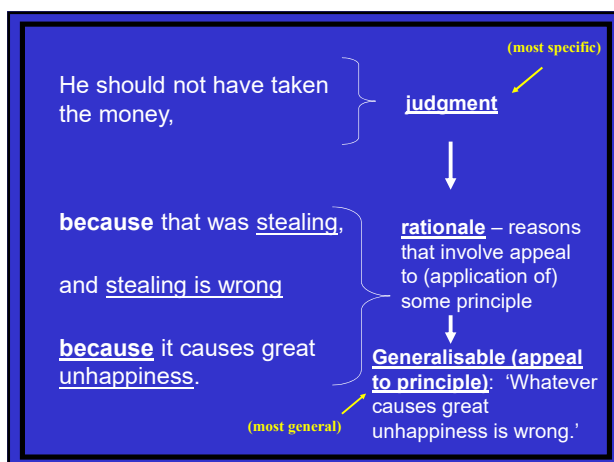
Descriptive Ethics

Describes
behaviour

= anthropology,
sociology

Prescriptive Ethics





No.1 Practical Problem of Moral Reasoning

When it comes to matters of ethics, probably the most important practical problem is how to turn an erstwhile ethical problem into a non-ethical one.



What makes moral reasoning so difficult?

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

Ethics Costs

Moral = Ethical

vs.

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

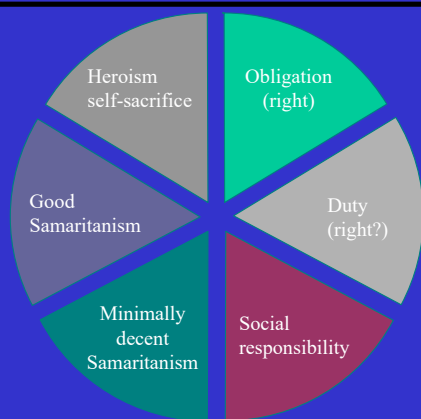
Ethics



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)



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?

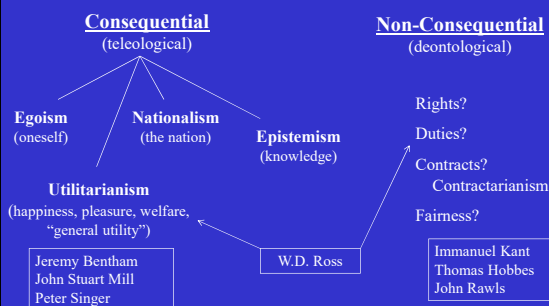
What can we expect – and what can we demand – from moral reasoning and moral reasons?

A couple of moral queries

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?

Normative Ethical Theories



Amazing Coincidence

Dispelling the significance of *relativism*

Honesty

Integrity

Fairness

Compassion (caring)

Openness

Thinking here is focussed on
answering the question,

What should I do?

Thinking here is focussed on
answering the question,

What kind of person should I
be?

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

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. "*They think it's ok.*"
(Who are the 'they'?)

Even if descriptive relativism were a matter of fact, it
alone would not establish

- **normative relativism:**
 - ❖ (a) the different views are all equally correct,
and
 - ❖ (b) we oughtn't to interfere or judge other
cultures' values

Virtue Ethics

Human Excellence

Virtuousness – exhibiting the virtues

aretē

Plato
Aristotle

honesty
trustworthiness
courage
•
•
•

Here's an example: **promise-keeping**

promise-keeping is an example of what Kant calls a 'perfect duty': that is, it allows no latitude for inclination. In the case of making a promise, the duty is to keep it, full stop; no exceptions.

The duty to develop one's talents (self-development) is an imperfect duty: it allows leeway, latitude for inclination.

This is somewhat on the order of what I explained earlier as a duty of social responsibility: you have to do something, but it's up to you as to exactly what you do: you can, to this extent, 'do what you like' (i.e., whatever you're inclined to do).

Immanuel Kant (1785)

The only thing that is good without qualification is a good will – i.e., a will which wills will (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.

promise-keeping

a logical matter. It's logically impossible to have it any other way.

helping someone in need

not a logical matter (no logical inconsistency in imagining a world in which no one helps anyone else).

BUT, you couldn't will it: an inconsistency in the willing.

Autonomy is what's important.

Autonomous choice.

Autonomous decision-making.

Autonomous willing.

Choices for which the agent themselves is responsible.

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.

The categorical imperative – 5 formulations

First, understand this:

- an imperative: "do this", "do that", "don't do that"
- an imperative that is categorical: allows no exceptions; no "if's", "and's", or "but's"; no allowance for, say, what you'd *like* to do.

And, understand this:

- Kant talks about 'maxims'. A maxim is a general principle. Whenever a person does something, there is a maxim involved:

Maxims

e.g.,

Iain asked me to give this lecture and I said 'yes', and here I am. The 'yes' wasn't just a reflex, or a bit of capriciousness that makes no sense. It might have been, say,

- "Whenever a friend asks me to do something, then if my calendar is clear, I'll do it.", or
- "Whenever someone offers me lots of money to perform before an audience, I'll do it", or ...

In order to understand my action as rational, you need to understand it as falling under a maxim (a general principle). You understand not merely that I'm doing something, and not merely what I'm doing, but why I'm doing it.

3. "So act that your will can regard itself at the same time as making universal law through its maxim." – as though you're making the law for everyone.
4. "So act as if you were through your maxims a law-making [a legislative member] of a realm of ends." – you are determining the acceptable ends that people can have.
5. (Principle of Autonomy) "Never choose except in such a way that the maxims of the choice are comprehended in the same volition as a universal law." – you recognise that you are determining this autonomously

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.'

- Duty as the basic moral feature
- Good will
 - ✓ Not in terms of effects
- Good will → duty
 - ✓ Agent autonomy
 - ✓ Morality not a matter of luck or accident
- Avoidance of hypocrisy (successfully willing a maxim)
- Not character

The Categorical Imperative – 5 formulations

1. "Act only according to that maxim by which you can at the same time will that it should become a universal law." (i.e., as if everyone were required to do it)
- 1a. a test: "Law of Nature": "Act as though the maxim of your action were by your will to become a universal law of nature." – not a matter of choice, but more like gravity.
2. "Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only." – a requirement to respect people's personhood

Hypocrisy

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

Willing a maxim, and acting according to it.

false promise in the hard case \approx hypocrisy

not helping someone in need \approx hypocrisy

maybe you actually believe about yourself that you're acting according to a maxim (a general principle) when you make a false promise or decide not to help someone in need, but you're not, in fact, acting that way – because in each of these cases, there couldn't be such a maxim.

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

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.

W.D. Ross (1930)

Prima facie duties

1. duties resting on one's own previous acts
 - fidelity – resting on a promise
 - reparation – resting on a previous wrongful act
2. duties resting on others' previous acts
 - gratitude
3. duties resting on the possible inappropriate distribution of pleasure or happiness

“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’

4. duties resting on the possibility of our being able to improve people's conditions with respect to virtue or intelligence or pleasure
 - beneficence
5. duties resting on the possibility of our being able to improve our own condition with respect to virtue or intelligence
 - self-improvement
6. duties resting on the recognition that there is a distinction between helping and not harming
 - non-maleficence – more stringent than duty of beneficence

Maybe this is an example of moral 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.

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)

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) \approx terms of the contract

– John Rawls (1971) [1921-2002]

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

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?

Virtue Ethics

Human Excellence

Virtuousness – exhibiting the virtues

aretē

Plato

Aristotle

honesty
trustworthiness
courage
.
.
.

Thinking here is focussed on answering the question,

What kind of person should I be?

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 therefore "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"

Plato (circa 380 BC)

State (large, general)



Individual (small)

- Virtue as internal – not interpersonal
- Good person

- Happiness – end of the chain of "why?"
- Character

- Degree of precision

"it 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."

Bk. 1, chap. 3, *Nicomachean Ethics*

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.

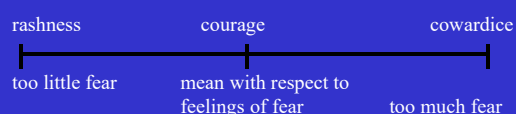
What are particularly human functions?

virtues are – courage, wisdom, temperance, justice

"golden mean" – moderation in all things → NO

All virtues are concerned with feelings: the virtue is a mean between feeling too much and feeling too little.

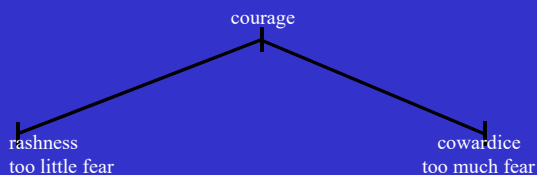
courage is the virtue concerned with the appropriate feelings of fear and confidence. It is mean between feeling too little fear and feeling too much fear:



Courage is the virtue concerned with the appropriate feelings of fear and confidence. It is mean between feeling too little fear and feeling too much fear:

courage is a mean between feeling too much and feeling too little.

- it's a mean between feeling too much and feeling too little.
- it's an extreme with respect to what's right



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".)

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.

Prescriptive Ethics

Normative Ethics
(principles)



Normative Issues



Casuistry, Moralising

Moral Reasoning – offering reasons

Normative Ethics
(principles)



Normative Issues



Casuistry, Moralising

Reflective Equilibrium

Moral Principles



Ground-level, intuitive judgments

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?

A couple of moral queries

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?

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Ethical Caution

preventing, avoiding, minimising the unethical

‘precautionary principle’

- in cases where we don’t **KNOW** that an action is **not** harmful, we must proceed as though it **IS** harmful – and act accordingly
- in cases where we don’t **KNOW** that there is **no** risk, we must proceed as though there **IS** risk – and act accordingly

→ and

Moral Awareness

provide ‘safe exits’

- where there is risk (maybe of actual harm, maybe of ethical wrongdoing), we should provide mechanisms for behaving / responding if that risk is realised

engage in ‘defensive driving’

- this is risk avoidance. Even if it would not be our fault if something untoward occurred, we can still take steps to best ensure that that untoward occurrence does not happen.

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, moral illiteracy.

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

4. Exhibit moral competence.

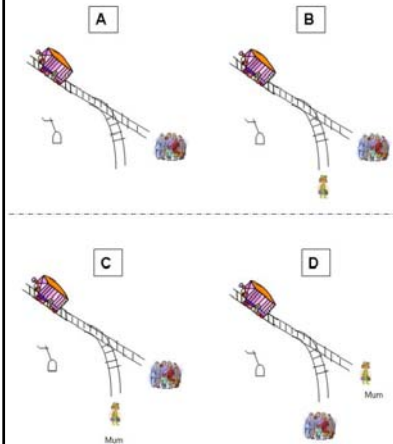
i.e., deal with the issue, displaying an awareness of its elements and facility with ethical concepts and tools, if there are any.

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



a) Should you ...?

b) Is it morally ok if you ... ?

c) Should you not ...?

d) Have you done something wrong if you do -- or if you don't?

1. Agency is important (?) – e.g., consider B – 'doing something' vs. 'allowing something to happen'.

2. Moral imperatives -- what you should do, and what is permissible -- are different for professionals from individual people (?)

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."