Moral Reasoning and Professional Ethics

- Essay tip: don't just say what Kant, Mills etc. would say, you have to actually answer the question.
- Kants will is really talking about willpower. They have the willpower to do what is correct even if they don't want to.

- What makes moral reasoning so difficult (practically, in the professional world)

- ~~Wheel of words~~
  - ~~Obligation (a special relationship that occurs when you promise something, "I do" " I will"). Ill mow your lawn, or ill be at your house at 6.~~
  - ~~Duty (an obligation that doesn't need to be established, it is inherent)~~
  - ~~Social responsibility (like duties and obligations but there is no specific target other than society in general)~~
  - ~~Minimally decent good Samaritan: telling the time to someone if they ask you.~~
  - ~~Good Samaritan: stopping and helping someone change a tire even though it will make you really late.~~
  - ~~Heroism or self-sacrifice: put your own interests at serious risk (jumping on hand grenade to save platoon. You don't ever have to do this – no obligation or duty). Whilst blowing is another example. Look at what has happened to Edward Snowden.~~
  - ~~You need to make a judgement call from the context to determine what trumps what of the above things.~~
- ~~Aristotle: only expect as much preciseness as the subject matter admits. Basically, do not expect an objectively correct answer in ethical situations. [from lec 1]~~
- **Barriers to ethical decision making**
  - Things that can stand in the way of making the best ethical decision, even when you're trying to make the best one.
  - Partisanship: good because you try act in best interests of your client. The bad is that you might become to accepting of a clients unrealistic or wrong interests/belief. You become a cheerleader, not an advisor. This is about losing objectivity because of your relationship with the client.
  - Rationalisation: telling yourself a story that makes yourself do something that's in your own interest. "everyone does it" "my superior wants me to do it" "if I don't do it, someone else will". Remember that they are trying to do the right thing, but they were bumsteered by this.
  - Implicit/unconscious bias: unconsciously substituting stereotypes for real knowledge about the client. Making wrong assumptions about them based on this stereotype. E.g. giving advice to someone because it fits your context (it might not fit theirs)
  - Ethical blindness/illiteracy: looking right at an ethical issue and not realising it is an ethical issue. You know all the facts of the situation but just don't realise its unethical.
  - Reasoning with false equivalency: e.g. if it's legal, then it's moral.
  - Ethical script: using a template to deal with a problem and the template doesn't fit.
- ~~Ford Pinto case~~
  - ~~What would be fair?~~
  - ~~What would be a reasonable expectation of a car-buyer?~~

- <s>o Who should knowingly assume what risk?</s>
  - <s>o Formulating these questions was a matter of good judgement given the context</s>
- <s>Problems vs dilemmas</s>
  - <s>o Problems have solutions. These solutions are correct or incorrect. There is no wiggle room.</s>
  - <s>o Dilemmas do not have solutions. There are various options, some better than others, but none are THE answer.</s>
- These are different only in their context. Should we regard this as an exception, counterexample, or anomaly? Logically they are the same, all differentials from the rule.
  - o Exception which proves the rule
    - Something that seems to be outside the rule (and is), but it puts the rule to the test, and it validates the rule.
    - E.g. the rule is you have to pass all 4 exams, you can only fail twice. Someone is given an exception to this, therefore the rule was still correct. We still want the rule even though we let it break in exceptional circumstances.
  - o Counterexample
    - All swans are white. Then you find a black swan, therefore this counterexample proves the claim wrong.
  - o Anomaly
    - You allow this "counterexample" to stay around, because if you let it break the claim, then you have nothing. And the claim is useful in loads of different settings.
- Moral judgements have a rationale that will appeal to a general principle. They must also have integrity i.e. idempotent -> same situation, same verdict.
- Moral behaviour is also principled (explained back to a principle) and justifiable (via this principle) and they must also be void of hypocrisy (when the situation is similar, we'll reach the same judgement and behave in the same way).
  - o This doesn't mean you can't change your mind. You can accept you were wrong last time.
  - o When the situation is not black and white, you cannot just draw a line, because you are effectively drawing a line through a bunch of grey stuff and calling everything on one side of it white, and everything on the other side black.
- Ethical judgement, regulations, and rules are part of every organisation.
  - o You cannot just have rules and regulations. If you try to engineer judgment ou
- Accountability: historical track, tick the box, reveals liability, rules, emphasis on process metrics and reporting
  - o Accountability when teaching is to give the syllabus, rubrics, assessments etc.
- Responsibility: proactive, take responsibility for, judgement and discretion, ethical empowerment (authorisation)
  - o Responsibility when teaching is to make sure they actually learnt something
- Code of conduct (accountability document)
  - o Specific
  - o Prescriptions and directives (you must do exactly x y and z)
  - o Uniformity
  - o Statements that are specific enough that they can be enforced (legally)
- Code of ethics (responsibility document)

- o General
- o Values and principles of the organisation stated
- o Involved judgment
- o Is empowering, aspirational, and allows you to make your own decisions (Which requires responsibility)
- Why have a code of conduct at all? (if judgment, responsibility, ethical decision making is seen as most important)
  - o For uniformity
  - o Addresses specific problems
  - o Addresses repeatable circumstances of general uncertainty
  - o Sends a message
  - o Takes heat off
  - o It is of public interest (you don't have to trust them if they are legally bound) e.g. a code of conduct could enforce that you must disclose all fees to a customer, a customer know you will be following that and doesn't have to worry about being tricked. If they are tricked, codes of conduct are enforceable.
- Code of conduct is what should they do. Code of ethics is what kind of people should they be.
- **Ethical awareness**
  - o Avoid moral negligence: ask yourself if there is a moral dimension to the problem. As long as you ask yourself this you are being negligent (but you may be morally illiterate if you don't identify them all). This is similar to Kant. If you make a choice without considering the morality of the options (even if you make the right decision), you were being morally negligent.
  - o Avoid moral recklessness: have you adequately addressed the moral concerns? You may cover all ethical issues (so not negligent), but whether you address all ethical issues properly is an issue of recklessness.
  - o Avoid moral blindness/illiteracy: not identifying ALL the moral issues involved
  - o Exhibit moral competence: not attempting to solve is recklessness, not solving adequately is incompetence.
- **Ethical caution**
  - o Precautionary principle: when you don't know what the outcome of an action is, assume it is bad. If you are unsure if there is risk, assume there is risk.
  - o Provide safe exits: provide mechanisms for mitigating against certain things if they do come to fruition.
  - o Engage in risk avoidance: even if it won't be your fault if the bad thing happens, you should still take action to make sure it doesn't' happen. Just because you wont be held accountable, doesn't mean you shouldn't try stop it.
- A hierarchy
  - o Don't inflict harm
  - o Prevent harm
  - o 3
  - o 4
- Dirty hands
  - o A situation in which doing something right means you will be responsible for something that is wrong, and that wrongness won't disappear just because of the rightness of your act. E.g. firing squad situation, if you apologise to the mum then

that reveals dirty hands, if you are sympathetic but not apologetic, then you don't have dirty hands.

- o Dirty hands is basically, was the bad thing in the trade-off bad enough that it still warrants an apology after the fact.
- o Even when you've done the right thing, you're not off the hook.

Lecture 1 – Theoretical underpinnings of ethics

Key point 1: What is, and what is not, ethics?

Ethics, specifically prescriptive ethics, is the philosophy of deciding right from wrong. It aims to answer the questions "What should I do?" and "What kind of person should I be?". The key in answering these questions is considering the interests of others, rather than acting purely out of self-interest. This is not to be confused with descriptive ethics which investigates what people **think** is okay.

Ethics is also not moral relativism. It argues that ethics are contextual to time and place. The problem with relativism is it either simply describes what happened (descriptive) or it accepts all different views as equally correct (normative), which isn't ethical because it isn't actually distinguishing right from wrong e.g. just because slavery was once tolerated, doesn't mean it should have been - it was always morally wrong.

Key point 2: Ethical arguments and their considerations

Ethical issues are not problems. They cannot be solved in the same way equations can. Instead they are dilemmas that we can navigate through, where some paths are better than others. It should be noted, however, that if it is possible to turn an ethical situation into a non-ethical (not unethical) situation, then this should be done as this essentially means turning it into a no-loss situation (no one's interests are violated). All valid ethical arguments must moralize an actual yes or no answer that relates back to a normative issue, which in turn relates back to a general principle. For example, "he should **not** have taken the money (moralizing), because it was **stealing, which is bad** (issue), and stealing **minimizes happiness** (general principle)". On top of these requirements, they must not be political, prudential, artistic, preferential, or negotiable.

Key point 3: Kant, the deontological perspective

This perspective aims to answer the question, "what should I do?". Kant argues that the only good acts are acts that are done out of a good will. It's the difference between "were your intentions good?" and "was the act good and intentional?". Kant believed the central notion of morality that should be used to decide whether an act is good is duty, stating this can always be related back to a general principle. This places morality on acts themselves, and not the consequences of such acts.

Key point 4: Mills, the teleological perspective

This perspective also aims to answer the question, "what should I do?". Mills argues that all that matters when deciding if an act is ethical or not is the consequences of said action. Consequences are most often ranked by how much they maximize something, most commonly happiness (the utilitarian perspective). The degree to which an action is right is proportional to the sum of its consequences.

Key point 5: Values, the virtuous perspective

This perspective aims to answer a different question, "What type of person should I be?". This pertains specifically to virtues, the qualities that enable us to function well as humans. These are universally accepted to include honesty, integrity, fairness, compassion, and openness. Aristotle came up with the golden mean, a method for building a virtuous character, which essentially meant feeling the right amount. For example, you should not be rash (too much), nor should you be cowardly (too little), but you should be courageous. Once you do it enough, he argued it will become a habit and part of your character, then you will do it by default and no longer have to ask, "what

should I do?". Plato similarly advocated for focusing on being a good individual, as a good society will naturally come of this.

No single one of these moral perspectives should be accepted as correct or accepted over others. There are many equally valid theories, which is known as moral pluralism.

<u>Lecture 2 – Moral Reasoning and Professional Ethics</u>

This lecture was focused on highlighting what makes moral reasoning so difficult, practically, in the professional world, as well as some insights to help remedy this.

Key point 1: Different types of ethical undertakings

Not all ethical undertakings are the same. For example, common decency is simply expected of you and doesn't actually make you more of an ethical person. This is known as being a minimally decent good Samaritan. An actual ethical undertaking, however, must cost one of the parties involved (an actual good Samaritan). Other ethical undertakings differ in that they are explicitly or implicitly agreed to. Obligations only occurs because you explicitly agree to them, whilst duties are the same except that they are implicitly established. Other ethical undertakings differ in that the target can be specific or general. For example, in duties and obligations, it is likely a specific target (protecting someone) whereas with social responsibilities the target is society in general. Finally, some ethical undertakings differ in that they are so costly that it's hard/impossible to argue that anyone is ever obligated to do them (e.g. being a whistle-blower is too detrimental to yourself to ever be required to do). The difficulty here comes from deciding which one trumps another in specific ethical dilemmas.

Key point 2: Barriers to ethical decision making

Part of the reason why moral reasoning is so hard in practice is because there are subtle fallacies that can impede your logic. These are things that hinder you from making the best ethical decision, even when you're trying to be as ethical as possible. These include **partisanship** (where you lose objectivity of what is right and wrong from favouring the interests of a relation), **rationalisation** (where you tell yourself a story to justify your actions, even if they're wrong e.g. "everyone does it"), **implicit bias** (where you subconsciously ignore the facts of something in favour of preconceived stereotypes of it), **ethical blindness/illiteracy** (you are not even able to recognise there is an ethical dimension to the situation), **reasoning with false equivalency** (e.g. assuming legal means ethical), and **using an ethical script** (that doesn't fit the ethical situation).

Key point 3: Accountability versus responsibility

There is a clear and important distinction made between accountability and responsibility. Accountability refers to how accurately you follow specific directives, whilst responsibility is about making your own judgements and owning them. For example, teachers are held accountable for delivering certain material to students (e.g. course outline, rubrics, lectures etc.), but their actual responsibility is to make sure we learn. Responsibility is much more important for ethical decision making because it supports ethical empowerment – the ability for individuals to make their own ethical judgements. This is not possible to do with accountability because there are too many ethical dilemmas to consider. Both, however, can help you act more ethical. A code of conduct is useful for addressing specific and/or repeatable problems, which saves time on making judgements. A code of ethics on the other hand is useful for guiding individuals' moral judgements where there is no clear right answer.

Key point 4: Ethical awareness and caution

Ethical awareness helps you clarify whether your actions are ethical. It consists of ideas like **avoiding moral negligence** (not even considering ethics), **avoiding moral recklessness** (not addressing all ethical aspects), **avoiding moral blindness/illiteracy** (not identifying all ethical aspects), and **exhibiting moral competence** (addressing all ethical aspects adequately). Conversely, **ethical caution** helps you prevent unforeseen ethical issues. It consists of principles like being **precautious** (assume unknown outcomes are bad outcomes), providing **safe exits** (mechanisms for mitigating against the ramifications of risks when they come to fruition), and **avoiding risk** (even if you're in the right). These are almost mandatory to consider when making ethical judgements.