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?
  + Who should knowingly assume what risk?
  + Formulating these questions was a matter of good judgement given the context
* Problems vs dilemmas
  + Problems have solutions. These solutions are correct or incorrect. There is no wiggle room.
  + Dilemmas do not have solutions. There are various options, some better than others, but none are THE answer.
* 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.
  + 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.
  + Counterexample
    - All swans are white. Then you find a black swan, therefore this counterexample proves the claim wrong.
  + 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).
  + This doesn’t mean you can’t change your mind. You can accept you were wrong last time.
  + 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.
  + 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
  + Accountability when teaching is to give the syllabus, rubrics, assessments etc.
* Responsibility: proactive, take responsibility for, judgement and discretion, ethical empowerment (authorisation)
  + Responsibility when teaching is to make sure they actually learnt something
* Code of conduct (accountability document)
  + Specific
  + Prescriptions and directives (you must do exactly x y and z)
  + Uniformity
  + Statements that are specific enough that they can be enforced (legally)
* Code of ethics (responsibility document)
  + General
  + Values and principles of the organisation stated
  + Involved judgment
  + 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)
  + For uniformity
  + Addresses specific problems
  + Addresses repeatable circumstances of general uncertainty
  + Sends a message
  + Takes heat off
  + 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
  + 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.
  + 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.
  + Avoid moral blindness/illiteracy: not identifying ALL the moral issues involved
  + Exhibit moral competence: not attempting to solve is recklessness, not solving adequately is incompetence.
* Ethical caution
  + 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.
  + Provide safe exits: provide mechanisms for mitigating against certain things if they do come to fruition.
  + 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
  + Don’t inflict harm
  + Prevent harm
  + 3
  + 4
* Dirty hands
  + 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.
  + Dirty hands is basically, was the bad thing in the trade-off bad enough that it still warrants an apology after the fact.
  + Even when you’ve done the right thing, you’re not off the hook.