



Unit 2 - Unit 2 lecture notes.

Professional Ethics (Athabasca University)



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We must think of what moral values are involved, whether there are any responsibilities, obligations, or rights involved, and so on.

We must reason towards a solution by considering reasons for particular resolutions as well as reasons against them.

We must look at facts.

Normative analysis consist in arguments that include justificatory reasons/premises. (assertions that are meant to justify those arguments and conclusions).

Normative ethical theories can provide a template to guide us when addressing ethical issues. There are a few over 2,500 years that yield especially notable results:

- Utilitarianism.
- Kantian deontology
- Contractarianism
- Aristotelian virtue ethics
- Feminist ethics

Utilitarianism:

Is a teleological approach and consequentialist approach to morality.

Looks to the end/purpose of behavior to determine the moral status of that behavior as good or bad.

The right action produces overall good or less overall bad than would any alternative action.

Greatest Happiness Principle: "Actions are right as they tend to promote happiness, wrong as they tend to produce the reverse of happiness."

Whose happiness counts? Everyone who is affected by the action.

Your job as a moral agent is to act to maximize happiness or minimize unhappiness for the overall collective of persons who have an interest in the outcomes of your action.

The method above is act utilitarianism.

Rule utilitarianism differs in that it judges actions to be good or bad, right/wrong on the basis of whether those actions accord with a rule specifying that actions of that type tend to maximize happiness or minimize unhappiness.

Readings (page 12 – 21 Print Reading File)

Utilitarianism is part of a set of theories known as consequentialism. These theories contain two parts- the good and the right.

Good – what goals is morally worthy of pursuit.

Right – is more specific indication of what is to be done with the good. The most common theory is maximization (stipulates that the good, whatever it happens to be, should be maximized). The way this is proportioned out is debatable. For instance, some say equal distribution of good should be used. Others incorporate distributive concerns, requiring that good be allocated in different ways.

Maximization refers to the theory that indicates that the more happiness there is, the better. The affects of all people must be taken into consideration.

Happiness – a hedonistic notion (according to Bentham) founded on the natural state of humankind, and is a function of achieving pleasure and avoiding pain.

Act-Utilitarianism –

Stipulates that the morally right act is the one that produces at least as much overall happiness in the circumstances as any alternative act.

Bentham – uses specific numerical quantities based on pleasure

Mill – despite generalities and high-lower pleasure distinction, must allow for degrees of preferences to be taken into account.

In a tie, either of the two acts can be performed.

Considerations in favour –

- Assesses morality of actions in terms of consequences.
- Relatively simple and easy to apply
- Has characteristics which make it a viable moral theory.

Criticisms:

- Is not practical (requires decision makers to measure happiness)
- Requires insight into the moral state of others.
- Concerned with the outcomes of actions that have not been performed yet.
- When taken to its extreme, requires too much from people. (this is a significant problem, as working continuously in a soup kitchen produces much happiness, even over sleeping, but you MUST sleep at some point...)
- Sometimes prescribes acting unethically.

Act-utilitarianism is not a defensible moral theory, as it sometimes prescribes unethical actions.

Rule-utilitarianism calls for the maximization of overall happiness in the circumstances. Calls for a closer look at the long term consequences that would be generated by performing the act in all relevantly similar situations.

- More of a balanced approach.
- Seems like an appropriate moral theory for assessing whether existing rules are indeed justified.

Is rule-utilitarianism unstable? The crux is the problem whether the rules specified by the theory must always be followed, or if exceptions are allowed.

It is easier to attack than to defend.

A common example (touched on in the text) is the actions of one politician during campaign season directed towards another.

As an example, let us say Bob Jones is running for Mayor, as well as Dan Lane (fictitious names). In order to gain support, Bob verbally attacks Dan, and posts attack-ads in the local newspaper, radio network, and on social media.

Act-Utilitarians might make a table like so:

	Verbal attacks to the opponent	Not Verbally attacking the opponent
Bob	8	-2
Dan	-4	10
Total:	4	8

From an act-utilitarian perspective, it would not be ethical to attack the other opponent because the consequences (measured in "units" of happiness) show otherwise.

Rule-Utilitarianism would argue this point slightly differently. Rule-Utilitarianists would say what are the long-term consequences if Bob verbally attacks Dan? They might point out that society would be worse off, as name-calling, mud-slinging, and the like only worsen relationships between people. They may also say children watching this may grow cynical of the political process and not want anything to do with it after seeing how politicians behave. Thus, Rule-Utilitarianists would arrive at the conclusion that it would not be profitable to verbally attack the opponent.

In the above example, both Rule and Act Utilitarianism arrived at the same conclusion by using a different means of reasoning (in the legal system, this would be termed as a concurring opinion).

Kantian Deontology:

Known for unyielding moral requirements. (deont means duty). Deontological theories understand morally right action to be action that is motivated by a commitment to duty.

Kant claims consequences are irrelevant to ethical rightness and wrongness. (consequences issue from the actions by accident, and that this should not elicit our praise or blame. What matters (morally speaking) is that agents act as a matter of fulfilling their duty – as an act of respect for our moral law.

We can know what moral laws is by choosing our actions in accordance with the fundamental moral principle – the Categorical Imperative. This is the fundamental test for determining morality.

You must make a maxim > generalize the maxim > Apply the Categorical Imperative.

Categorical Imperative states you must, **“act only according to that maxim by which you can at the same time will that it should become a universal law.”**

In other words (this is universalizability) means that you must consider if it makes sense logically that everyone who might face a maxim such as this could act upon it.

Second formulation, **“Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end.”** (treat other human beings as being intrinsically valuable).

Third formulation: **“So act that your will can regard itself at the same time as making universal law through its maxim.”** (one’s moral duty must be upheld voluntarily for it to be morally good).

Fourth formulation: **“So act as if you were through your maxims a law-making member of the kingdom of ends.”** (understand ourselves as part of a community of moral beings striving for rules or laws that are individually freely chosen but at the same time aimed towards our collective flourishing).

Motive: what makes a person morally good? The intentions one chooses makes one morally good.

What sorts of intentions makes one morally good? The answer is Kant’s second proposition of morality. It is acting with the intention of being dutiful – of acting from the motive of duty itself. A morally good person is motivated to do the right thing just because it is his duty.

What does it mean for a person to intend to act from the motive of duty? Acting from the motive of duty is acting out of respect for moral law.

Doing the right thing is a somewhat complex operation.

Using the Categorical Imperative:

1. ascertain the individual’s motive.

2. ascertain the individual’s maxim

(rule of conduct or truth)

3. universalize the maxim.

4. assess that universalized maxim for consistency.

Any action stemming from a maxim that cannot be universalized with consistency is wrong. As well, a rule would be unethical if it cannot be universalized with consistency.

It is wrong to make yourself an exception to the rule.

One must perform the action only if it is morally right. We could test the proposed policy and its opposite. If nothing is wrong with either, we learn both are permissible.

People as Ends: an inanimate object (a thing) has no value only insofar as someone values it. (it does not have value in itself). People have value in themselves. You must not treat another person as a mere means. People are ends in themselves (not means to ends). No one is more important than anyone else.

Kantian Deontology could be criticized as being to "Ebenezer Scrooge" like. While Kantian deontology requires inclinations be set aside in ethical deliberations, they do not need to be dismissed all together.

Another criticism is that rules generated by the Categorical Imperative are absolute (they can't be changed). There appears no mechanism that allows for those rules which should be overridden.

A more moderate brand of Deontology implements prima facie (not being absolute). Prima facie rules would have to take into account at least some aspects of the consequences of those rules.

Sir W.D. Ross –

Ross's theory allows that moral rules can have exceptions. (these duties are called prima facia duties in his theory). In some extenuating circumstances one must determine which duty should be overridden – and this one would be the one that would be the more stringent, or of more ethical importance.

Ross lists 7 duties that are (prima facia) duties:

- Fidelity
- Duty of reparation
- General Duty of Gratitude
- Duty of distributive Justice
- Duty of Beneficence
- Duty of self-improvement
- Duty of non-maleficence

Applying Ross's version requires us to consult the list to see which one applies to the situation. If there is more than one, the more stringent of the prime facia ones should be used.

Which of the prima facia duties are more relevant? Ross says the duties of non-maleficence are the more stringent.

Contractarianism:

Utilitarianism – focuses on consequences

Deontology – focuses on motivation

Contractarianism – focuses on hypothetical agreements.

Understands morality as arising out of a contract between members of society (or groups).

Moral rules and prescriptions are binding on individuals insofar as they are consistent with the fundamental principles of morality that are collectively agreed upon by members of a society.

The contract may not be in written form. Usually conceived in a hypothetical context.

Ethical contractarianism parallels a tradition of political science thought that is based on the idea of a social contract. It understands the legitimacy of basic moral rules to issue from a similar vein as those promoted on the political side by Hobbes, Rousseau, Locke, etc.

Some contemporary contractarians espouse a different motivation, namely, “a commitment to publicly justify the standards of morality to which each [citizen or member] will be held.”

John Rawls, a “Theory of Justice.”

Rawls says the ultimate purpose of a just society is to satisfy people’s rational desires.

Foundations of society reflect two moral ideals:

1. All persons are equal.
2. Persons ought to be able to choose the moral tenets by which they are morally bound.

Rawls explains how we should go about making determining the appropriate moral principles to base our lives on. The first step is to adopt a psychological stance called the “original position” which seeks to eliminate our bias or life experiences from the decision. We must assume a “veil of ignorance” meaning we do not know who we are and could be thus, anyone in society.

Rawls thinks that When we strip away our particular characteristics, each of us remains a rational and self-interested being - and, in this, we are identical to and exchangeable with one another.

Foundational principles Rawls thinks would be agreed upon by rational, self-interested beings occupying the original position:

The Principle of Equal Liberty: Each person has an equal right to the most extensive liberties compatible with similar liberties for all.

The Difference Principle: Social and economic inequalities should be arranged so that they are (a) attached to offices and positions open to all members under conditions of equality of opportunity, and (b) to the greatest benefit of the least advantaged members of society.

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Both contractarian ethics and deontology focus on motivation, so somewhat similar.

Most popular version of contractarian ethics is from John Rawls – 1971 – so it’s a rather new ethical theory.

Morality: set of rules to which free and equal people would agree.

Contingent attributes – matters of luck, which means that equality cannot be achieved, as each of us are unique.

Because of this, we must throw aside our contingent attributes and engage in the thought experiment, called the “original position”.

In applying this to professional ethics, the idea is to take the original position and see what rule would have been agreed to.

Criticisms:

the “veil of ignorance” may be unachievable.

Potentially overly general.

Difficulties applying the theory due to its general nature. When details are added it could be claimed that there will be much disagreement among actual decision makers.

A response is to make use of Rawls’ theory of justice – a notion of “primary goods”. (see pg. 39 top).

Another criticism is that of rationality.

Rawls’ preferred view of rationality is that of maximum reasoning. In other words, people will seek to maximize the minimum position in which anyone might find himself. The desire to protect his interests will thus motivate elevation of that worst-off position to the best off that it could be.

Virtue Ethics:

Aristotle is the source of virtue ethics.

What sort of person should I be?

Virtue ethicists believe that persons who have the right sort of dispositions of character or, in other words, who are morally good persons will naturally do what is morally right, and that doing good is secondary to being good.

All things have a proper function. What is the human’s proper function? “is to strive for the good life by exercising . . . rationality in accordance with virtue.” – life of happiness, of human flourishing.

The right sorts of actions are moderate (i.e., not extreme). This is his “doctrine of the mean” or “principle of moderation,” which claims that appropriate, virtuous dispositions will direct one toward moderate actions in any given situation and, by contrast, that dispositions to act in extreme ways are not appropriate.

Focuses on the notion of good character.

Distinguishing “function” of humans is rationality.

The good person is one who performs his function, which is to strive for the good life by exercising his rationality in accordance with virtue.

Virtues are a way of acting.

Distinguished from moral virtues and nonmoral virtues. (moral virtues are habits that are necessary for being a morally good person).

Doctrine of the mean – virtues are habits that are in the middle of two extremes of deficiency and excess.

Virtue ethics in professional ethics:

- One must be a moral person.
- Emphasis on function can be constructive.
- Moderation should be used – avoid extremes.

Criticisms:

- Overly general (in a tough situation, which virtue ought to be followed, all we are told is to “be virtuous”).
- Focuses on character not rules, and thus may not be helpful. Defenders say it can still be used to ethically assess which actual rules ought to be practiced in the professions.

Feminist Ethics:

Feminist ethics is probably best characterized as a collection of ethical approaches, all of which share certain general insights and tenets, which have nevertheless given rise to a variety of more precise, and sometimes opposing, views and theories.

Feminist theorists assert that the history of thought reflects perspectives that can be shown as being “male”, in that they:

1. Have been devised or thought up by men.
2. Tend to exclude or devalue points of view or experiences of women.

The conclusion to be drawn here is that the traditional picture of independent decision making either needs to be rejected as incomplete and misleading or revised in such a way that it can coexist with a relational conception of decision making.

1. power relations among persons are often relevant to understanding both the actual moral situations persons find themselves in and how we should theorize about morality;

2. gender and other socially significant categories, such as race, class, and sexuality, often are morally significant;
3. in moral analyses, abstract human ideals, such as rationality, should not be emphasized at the expense of taking proper account of the particular features of persons and their situations.

Quinn on Manipulation:

Public trust in journalism is waning.

What are the proper ethical guidelines for post-shoot photo manipulation?

How should we rely on intra camera exposure calculations instead of post-shoot manipulations?

Photographers have choices of how to shoot an image.

Journalists provide accurate information so the public can make decisions in regards to policy.

Consequentialism, deontology, and virtue ethics can be threaded together to help better understand issues surrounding photo manipulation.

The most challenges occur in post-shoot conduct.

Developing professional standards and enforcing them is an important start to creating an ideal environment in news photography.

Virtue theory:

- Balance/Fairness relates to Justice
- Credibility relates to Integrity
- Accuracy/Authenticity relates to Honesty/truthtelling
- News Judgment relates to Prudence

Abstain from using a virtue out of convenience.

In virtue theory, truth, integrity, justice, and prudence have remained the standard for good professional decisions.

Deontology we know that whether one uses computers or dark rooms to make publishable images, telling the truth is still the journalistic imperative.

Consequentialism says we know that no matter what tools are used to bring an image to press/broadcast, photo-journalists ought to cater to the public and serve their best interests.

Crucial to weigh all the ethical options at one's disposal.

Pellegrino's Virtuous Physician:

Pellegrino supports virtue based ethics in the medical practice.

Not only should physicians be motivated to serve the interests of patients, but they should go above and beyond the call of duty (a higher moral level), and be ready to do this even if it means a sacrifice in their own self-interest to some degree.

Legalistic and deontological ethics can be used, but they lack for medical professionals in and of themselves.

3-tiered system of obligations:

- Legalistic requirements (minimum obligations insofar as those stipulated by laws and rulings).
- Obligations pertaining to duties and rights that physicians are obliged to uphold – not legally, but as a matter of professional responsibility.
- Obligations from virtue-based considerations. These specify morally superior ways in which physicians should carry out their legal and duty-based considerations.