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HANDLING ETHICAL CODES

Dr. Lois Eveleth

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There is a difference between right and wrong, good and bad, wise and foolish, prudent and imprudent: the list of ethical contrasts goes on and on. While every adult must make decisions by choosing between such alternatives, it is safe to say that such decisions are often difficult. This is true not only at the individual or personal level but especially challenging when the decision has a group character. An individual has his own set of values, goals, and patterns of reasoning; but how a group, for instance, a professional group, should be guided in ethical decisions specific to the profession is another matter.

Looking to this end of guidance, many professions have formulated, and generally agreed upon, a code suitable to each profession. The professional organizations of doctors, lawyers, engineers, and historians are a few examples of this effort.¹ Such codes are important documents, both for the general guidance that they provide for individual members and also for the security that they offer to the public and the clients, employers and the community at large. They announce that these individual can be counted on. It is the first of these roles that I wish to consider here, viz. the question of guidance for the individual, because this code, like any collection of principles or guidelines, must be made workable by individuals.

The apprehension of the meaning of each guideline is not, or should not be, an issue, nor is it nobility or goodness. What is challenging, though, and uncertain is the application and workability of the principles contained in it. The individual professional, taking his responsibilities seriously, has to engage in a process of deliberation whose very goal is the application of each principle to various specific issues or contexts. Principles, being essential guidelines, are not meant merely for one's intellectual enjoyment but must work hard. It may be tempting to discard these guidelines as well intentioned but pointless, as overly idealistic, or as too vague to be useful and helpful. This would be a mistake, because few attainments in human experience are a significant and necessary as the development of ethical individuals.

The possibility of disillusionment or disregard of a code of ethics impels my remarks here. My point is straightforward: there is a strategy that can be used for ethical deliberation and it can be learned and applied. This paper is a delineation of such a strategy and is offered in an optimism about its applicability generally and its usefulness in managing ethical codes.

Such codes are made up of principles, typically clear and direct declarative sentences, either of what should ideally be done or what should be avoided by members of that profession. Generally, positive declarations are more workable than negative ones; the application of a positive idea is easier than the non-application of a negative one. “Honesty is good” is easier to work with than “dishonesty is bad” is. These principles should have a rather general character, general enough so that the principle being articulated can have as wide an application as possible and thus be more useful than specific statements that perforce have a narrower scope. Examples abound: *Human life is valuable; I must act justly; Good should triumph evil; I must act honestly; Human freedom should be maximized.*

Broad application is advantageous to the process of reasoning and thus decision-making, and yet ‘broad’ may lack enough detail in some instances. One can say, for instance, “Always do what is good and avoid what is evil,” but this principle is so general as to be useless. The on-going challenge to ethical codes is the task of achieving not only a useful general character but a sufficient degree of specificity so that the deliberation and decision receives real guidance. If, instead of “Always do good” one reads “Always tell the truth,” the decision-maker sees that “good” now is directed at communication between persons and that saying what one believes to be true is preferable to saying what one believes to be false. This is the case, even if one happens to believe, as true, something that is not true.

Inherent difficulties in application come from different quarters, whether from our own weakness or self-serving evasion, or difficulties in the formulation of the principle that may cause confusion; still other challenges may be

unavoidable factors in everyday living, e.g. changes brought on by the passing of time, the expansion of knowledge and circumstances, or the evolution of insight.

What makes the principle specific and helpful is its application to *this* context. Thus, a second trait of a principle is that it is contextually defined, acquiring detail and usefulness from the time, place, and circumstances of the action, situation, and decision at hand. A principle at the highest level of abstraction is well beyond dispute. No one is likely to argue that dishonesty is better, on balance, than honesty. When we, however, begin to apply a principle to a real situation, giving it specificity and context, disagreements among individuals may arise, and inner conflicts within an individual as well. Generally, the more specificity there is, the more chance of disagreements or inner conflict there may be.

One who works in a profession will be expected to live in accordance with the code of that profession; and as a private person, he will apply any number of abstract ideals, such as honesty, the value of human life, etc. in different ways. He will be expected to honor his promises, not lie to his family and friends, keep his promises, and be faithful to his spouse. These are ideals, but they are different specifications than those in the context of his professional life. His profession does not exhaustively define him.

Needless to say, human life is complex. If an ethical principle were a rule, it would be easy of application. A basic rule of baseball, e.g. three strikes and you're out, has a black-and-white quality to it. If the umpire calls a strike rather than a ball, and does so three times, the batter walks back to the dugout. The rule either applies to the situation or it does not. Principles are not like that, and therein lies another aspect of their scope.

Consider the example of a professional engineer. He is one who deals honestly with his colleagues, with his supervisors, with his clients; he tells the truth; never falsifies data; never exaggerates his proficiency. He discloses

conflicts of interest and rejects bribes. He is a paradigm of the engineering profession. One day, at his return home, his wife wants to show off a new dress; she has spent \$500 on a special dress and is thrilled with it. She models it and asks her engineering husband for an opinion. Her question stops Mr. Paradigm dead in his tracks. The principle of honesty, applied to this context, requires that he tell the truth. In this case, the sorry truth is that he dislikes the new dress, to the point of wondering why his wife would ever contemplate such a purchase, especially at this price. If honesty governs here, his answer should be, "No, I do not like this dress." On the other hand, he has learned that questions like hers sometimes do want a straightforward appraisal but at other times want a compliment only. And he suspects, now, that this is an example of the latter situation. Since she clearly likes this dress, his answer could be, "Yes, I like the dress." He cannot give both answers; one must prevail. What should he answer? This is a dilemma, a small dilemma but a genuine one.

An ethical dilemma is created when two or more good principles imply or lead us to different conclusions. In the abortion controversy, the principle on the value of human life leads one to protect the unborn because it has human DNA. On the other side of the debate, the constitutional principle of privacy leads one to the decision that abortion is acceptable. Here are two principles, both meritorious, but they lead us to different conclusions and, possibly, different actions. The debates over capital punishment also set up dilemmas. The value of human life leads us away from capital punishment, as in the abortion example. Applied to the life and well-being of the people in the community, though, the very same principle, i.e. the value of human life, leads us to accept capital punishment for the wrongdoer, as a way of protecting the people in the community. Even imprisonment, currently, is arguable. On the one hand, imprisoning wrongdoers before trial is good because it protects the well-being of the community; on the other, it is bad because the supposed wrongdoer has not yet been found guilty.

The first step in a strategy for ethical deliberation is to identify the ethical issue, or, if the issue has several components, e.g., economic, political, social, identify the dimensions of each. An ethical issue is not to be confused with a legal one. Although both law and ethics are concerned with giving direction in matters of right and wrong, there are significant differences. Two that matter are these: law originates from a consensus within the community, and a violation of a law is punishable by the community; ethics originates from an individual person's reflections, values, and decisions. A violation of one's own ethical code is not punishable. One's ethical code most likely includes the principle of the value of human life, making murder wrong. At the same time there are laws prohibiting murder and making it a punishable offense.

Some applications, like murder, may coexist in law and in one's own ethics, but here we want to single out the special "turf" of ethics and so put aside the question of overlap. The dichotomy between law and ethics must be maintained also with a view to evaluating laws and public policy. If a particular enactment is unfair, or unjust, or immoral, only the ethical codes of the individual citizens can identify the bastard enactment and correct it. Reformers are living instances of this watchdog function.

A second step is the identification of any and all principles that are relevant to an issue. A small number of very basic ideals, such as the five listed above, are probably in the ethical repertoire of most adults. In addition to these, each individual personalizes his list of ethical principles in the course of his life. Personalizing involves spelling out and specifying the basic ideals in a way that serves his life, work, and experience. For instance, honesty has relevance to more situations in everyday experience than one can easily list. Given one's education and life experiences, a person will specify and refine the basic principles in his own idiosyncratic way. He may not always be conscious in a clear way of what his principles are, but, when they are needed, when he faces a dilemma or has to endure a tragedy, he will most likely become very conscious of them. One's principles represent the ideals in which he believes firmly, ideals

that he is prepared to explain and defend, and ideals that he is prepared to act on.

He personalizes his list of principles also by adding to their number. For one's personal life, a principle expressing love and loyalty to family and friends may be chosen. One may even identify obedience to law as an ethical principle. On the professional side of life, ethical codes are freely taken up and committed to by members of that profession. The list of ethical principles may grow long indeed, when a full range of personal and professional principles is identified and made the content of one's commitment over time.

Having identified all the principles that are relevant to the issue and decision at hand, he now applies each principle, in turn, to the issue and derives a conclusion or decision that is consistent with each principle. One may even think of this process of inference as similar to the classical syllogism. The principle is the first premise; its application to the present situation is the second; and the conclusion that one infers from the two premises becomes the person's decision.

The more relevant principles to an issue that there are, the more likely it is that different conclusions may follow. If one's principles lead to contrary conclusions, the next task is to weigh these principles over against one another.

We may imagine an offer of a special assignment that promises to be lucrative. Honesty requires that I make known my lack of training for this assignment and reject the offer, even while my commitment to my family's well-being urges me to take on the task confidently. Two good principles are leading to different conclusions, and so I must weigh these two over against each other. Which one has more weight, forthright disclosure of my background, or my family's well-being? I may think as a Utilitarian, basing my decision on the consequences of my action, rather than on the action itself.

Favorable consequences: completing a new challenge; earning more money for my family

Unfavorable consequences: expected to continue working in an area in which I lack training; possibility of unfavorable evaluations and possible loss of employment

If I am not inclined to Utilitarianism, I may be what ethicists call a deontologist. In this position I evaluate the principles themselves and make my decision as to which one has more overall goodness.

Principle H: I should always be honest about my capabilities and training.

Principle M: More money is always good.

Which principle(s) am I more willing to live by for the long haul? Which principle would I wish all my colleagues to live by? Would I wish my co-workers to take up assignments for which they are not prepared? Which of these two principles deserves to be universalized?

Ethical deliberation, as I have outlined it here, offers no money-back guarantees, but it offers us the challenge, opportunity, and means of thinking through our personal, professional, and socio-political issues. It presumes that rational resolutions of issues are superior to those of an irrational sort, better than self-serving, or intrusive, or demagogic, or venal alternatives that human beings have been known to create or indulge in. Such deliberation challenges us to take good mental time to reflect on what we are about to do. While we are fallible and may still get it wrong, we will have the comfort and the benefit of knowing that we put to use our best human capacities. Heroism is not required, but reasonable deliberation is always appreciated.

NOTES

ⁱ Formal codes contain principles such as these.

National Council on Public History (NCPH):

Public historians should serve as advocates for the preservation, care, and accessibility of historical records and resources of all kinds, including intangible cultural resources.

National Society of Professional Engineers (NSPE)

Engineers shall hold paramount the safety, health, and welfare of the public.

American Medical Association (AMA)

A physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity and rights.

American Bar Association (ABA)

A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.

FOR FURTHER STUDY

1. Internet Encyclopedia of Philosophy.
<https://iep.utm.edu>.
See: Applied Ethics
2. Stanford Encyclopedia of Philosophy
<https://plato.stanford.edu>
See: ethics>business
ethics>environmental
ethics>biomedical