

ETHICS FOR INQUISITORS

Charles J. Harriman

During the last ten years or so there has been increasing interest in courses in ethics. No doubt the increase is a consequence of the public perception that more people, especially people in respectable, important, often public, positions are behaving unethically. There is no need to rehearse the scandals that have produced this perception; each of us, I am sure, could produce a list easily.

One response to the increasing interest in the teaching of ethics had been the proliferation of courses directed to specific occupations, such courses as Business Ethics, Ethics and the Practice of Law, Ethics for Healthcare Workers, Computer Ethics, Ethics and the Media, and Biomedical Ethics.

The thesis I would like to develop here is that such specialized courses are often, if not always, educationally and philosophically unsound. There are at least two basic reasons for this claim. First, if the courses are offered in an effort to improve the ethical behavior of the students, they are educationally unsound. Second, if they presuppose an established system of values, they are philosophically unsound.

The question of whether virtue can be taught is at least as old as Plato's Protagoras. We might follow Plato and agree that knowledge and virtue are identical, and consequently that virtue can be taught. One of the arguments that Plato presents in the Protagoras rejects the view that virtue is composed of separate parts; that one could successfully specialize, say, in the virtue of courage without also acquiring all the other virtues. This conclusion follows from the idea that good is a generic quality that is the same in all its instances. Hence, knowledge of good in one instance entails knowing it in all instances.

I certainly do not want to defend this view. I had supposed that it was long ago laid to rest. However, it, or something very much like it, has been resurrected in a recent book by Panayot Butchvarov.¹ He adopts an old fashioned realist view, and argues that good is a "generic universal." (66)

Whatever the merits of the platonic account, it is of interest here because it highlights the difficulties that arise when it is assumed that (1) courses in ethics teach virtue, and (2) that the

problems of ethical conduct can be presented in a simpler and more interesting way by considering them in the context of a particular occupation or profession.

The view that knowledge is virtue is sometimes called ethical cognitivism. People who advocate courses in ethics as a means of improving the moral character of students must hold at least implicitly some version of ethical cognitivism. As an educational assumption ethical cognitivism is subject to a practical objection that has been known since Plato's time. People who by all the usual signs appear to know that an action is wrong or bad often do it anyway.

There is another difficulty with ethical cognitivism, a more recent and more theoretical objection. It denies the distinction between fact and value. While that distinction may be much less clearly drawn today than it was when early advocates of noncognitivism such as Stevenson first made it a central consideration in ethical theory, it is still a factor, and its rejection requires some rationale. Anyone who seeks to introduce a course in ethics with the intention of improving the moral character of students has an obligation to explain how mastery of the factual material in the course could alter or effect the value judgments of the students.

An advocate of such specialized courses might reply that there is still something to be said for them along the following lines. First, even if we allow that there is no direct connection between knowledge and virtue, still knowledge of ethical standards is a necessary condition for their deliberate implementation in action. Even though completing the course may have no effect on the ethical conduct of the student, still the student now possesses knowledge of the criteria governing ethical conduct that the student did not possess previously. The student is now in a position to act ethically if for whatever reason he or she should be disposed to do so. Before taking the course, this was not even a possibility.

This argument is persuasive as far as it goes. After all one of the aims of a liberal education is to increase the range of possibilities open to a student. The principle operating here is something on the order of preferring knowledge to ignorance, and that is certainly unobjectionable. What the argument overlooks is the range of information considered. Or put another way, specialized courses in ethics tend to take a great deal for

granted. It is the presuppositions of such courses that render them philosophically suspect. I think this is the most significant problem with specialized courses in ethics, and I will return to it shortly.

Other less compelling reasons for offering courses in ethics with the intention of improving the moral fibre of students include the claim that if a person is made aware of standards he cannot then claim ignorance of the standards as an excuse if he is later found to be in violation of those standards. Following a series of well publicized scandals involving attorneys, our state bar examination was modified to include a section on professional ethics. The state bar association must have assumed either that the examination would eliminate unethical candidates, or that it would make it less plausible for a lawyer accused of unethical conduct to claim he was unaware that his conduct was questionable, or that mastery of the examination material would raise the general ethical level of the profession. The latter alternative, of course, assumes that knowledge is virtue.

Proponents of specialized ethics courses might make similar claims. But the contention that a student who fails an ethics examination therefore must be of questionable moral character is clearly wrong. It reduces to absurdity the argument that there is a necessary connection between the study of ethics and ethical conduct.

A final argument for specialized ethics courses might be based on the claim that any discussion of ethical standards tends to "raise the consciousness" of the participants, and hence may improve their behavior over the long run. To accept this argument we would have to suppose that unethical behavior is to a significant extent unconscious behavior. Not only does such a claim appear to be contrary to fact, it also raises a question about the deliberation that is said to be a necessary condition of moral choice. Presumably, unconscious behavior is not deliberate, and hence not within the province of ethical judgment. Unless we suppose that someone is habitually or thoughtlessly unethical, "conscious-raising" is not sufficient justification for specialized courses in ethics. On the least charitable interpretation the consciousness-raising argument would reduce ethics courses to something like ethical pep rallies, or revival meetings, activities inimical to scholarship.

In 1980 John Ladd wrote an article since reprinted in a text

entitled *Ethical Issues in the Use of Computers*.² Ladd's article is directed at codes of professional ethics, but his remarks apply quite well to specialized courses in ethics. He distinguishes between what he calls "macro-ethics," and "micro-ethics." He defines the terms in the following way:

The former comprise what might be called collective or social problems, that is, problems confronting members of a profession as a group in their relation to society; the latter, issues in micro-ethics, are concerned with moral aspects of personal relationships between individual professionals and other individuals who are their clients, their colleagues and their employers. . . .

Micro-ethical issues concern the personal relationships between individuals. Many of these issues simply involve the application of ordinary notions of honesty, decency, civility, humanity, considerateness, respect, and responsibility. Therefore, it should not be necessary to devise a special code to tell professionals that they ought to refrain from cheating and lying, or to make them treat their clients (and patients) with respect, or to tell them that they ought to ask for informed consent for invasive actions.(10)

The point I take Ladd to be making is the same one I wish to make with regard to specialized ethics courses. To the extent that the problems confronted by the members of a particular occupation or profession are ethical problems, they are the proper subject of general courses in ethical theory. To the extent that problems are peculiar to a profession or occupation, they may be addressed according to some established code of conduct, but that code is not an ethical code. As Ladd notes, "It is a common mistake to assume that all the extra-legal norms and conventions governing professional relationships have a moral status, for every profession has norms and conventions that have as little to do with morality as the ceremonial dress and titles that are customarily associated with the older professions."(10)

I return now to the topic raised earlier; that is the range or scope of specialized courses. My concern about specialized

courses would be somewhat less if it were standard practice to require a general course in ethical theory or the history of ethics as a prerequisite to any specialized course. Judging from a fairly extensive survey of current textbooks and a cursory review of college catalogues and transcripts, the specialized courses do not have any such prerequisites.

The problem of scope or range arises because the specialized courses almost inevitably take for granted large chunks of the existing social order that are themselves problematic when viewed in the light of general ethical inquiry. To take the most obvious examples, courses in Business Ethics ordinarily accept competition and profit as ethically neutral practices. They are the ground conditions within which ethical questions may arise, but they are not themselves ethical issues. A bit less obvious perhaps are the assumptions in courses on medical ethics surrounding the role of the physician and the institution of the hospital. To take a marginal example, the practice of withholding medical treatment from those who are unable to pay is not usually included as an ethical issue in medical ethics texts.

There is something to be said for the Platonic view that goodness is a generic property, even though such a claim is ontologically suspect. At least that theory has the advantage of requiring one to see particular ethical matters as instances of something connected to all the other actions in the social structure. The problem with specialized courses in ethics is that their very structure tends to limit inquiry. The really basic questions are out of bounds.

Extrapolating for effect the trend toward specialization, focusing attention on the "ethical" problems that arise as the result of a practice or institution, and not on the practice or institution itself, we might imagine some intelligence agency, or law enforcement group, developing a course concerned with behavior appropriate to its interrogators, and the occasions when torture is right and when it would be wrong. Predictably, the course title would be Ethics for Inquisitors.

NOTES

¹Butchvarov, Panayot. *Skepticism in Ethics*. Indiana University Press, Bloomington and Indianapolis (1989).

²Deborah G. Jonson, John W. Snapper, *Ethical Issues in the Use of Computers*, Wadsworth Publishing Co. Belmont, California. 1985.