PROFESSIONAL RESPONSIBILITY

MORAL PHILOSOPHY & ETHICS

MAJOR APPROACHES TO ETHICS

CONSEQUENTIALIST - utilitarianism, harm principle, common good [from empiricism]

DEONTOLOGICAL – inherently right or wrong - duty, rules, divine commands, **motives** [rationalism, logic, religion]

VIRTUE ETHICS – cultivate character traits (wisdom, justice, fortitude, self-control, etc.), be a certain type of person

MAJOR APPROACHES TO ETHICS

PRAGMATIST – society decides, revises rules over time [Dewey, Jefferson]

EMOTIVISM – a meta-ethical view that claims that ethical sentences do not express propositions but emotional attitudes. Also known as the "hurrah/boo theory"

A variation on this view adds that ethical statements also have an *imperative* component intended to change the listener's feelings and that this component is of greater importance

Don't confuse Emotivism with **AMORAL/SELFISH/SHALLOW**

DISCIPLINE & PUNISH

Consequentialist – deterrence (send a message) or incapacitation (remove from the profession)

Deontological – "deserves" to be punished, seek fairness, motives matter

Virtue Ethics – sanction only the repeat offenders/egregious misconduct

QUESTIONS

Can you define a consequence-based ethic that does not assume certain outcomes are inherently good or bad?

Can you explain why something is inherently wrong without ever referring to consequences?

QUESTIONS

➤ If you primarily follow your "gut" or intuitions, are you just doing whatever you want? (Immoral, selfish?) Or are you merely refusing to think through your actions?

➤ If you look to your "faith" or "religion," have you *read* your entire Bible or Holy Book? How do you decide between alternative views within your religion? Is "faith" any different than following your gut?

QUESTIONS

➤ If you primarily follow your parents' example or instructions, were they primarily consequentialist, deontological, or virtue-based?

➤ Is your **reason** for following your parents' example or instructions primarily consequentialist, deontological, or virtue-based?

QUESTIONS

➢ Should professional rules or codes of behavior be primarily consequentialist, deontological, or based on desirable traits for the members of the profession?

➢ Which approach should we use to interpret the rules or apply them to ambiguous situations?

➢ How would each approach affect punishments or discipline?

EXAMPLE: LYING

Consequentialist – Lying defrauds or hurts others, undermines trust, but is OK if nobody is hurt

Deontological – Lying is always wrong because: 1) it always comes from bad motives, 2) it is the opposite of truth, or 3) God forbids it

Virtue Ethics – Lying makes you a liar, a bad person

Ethical Pragmatism – Society tolerates some kinds of lying but not others

Emotivism – It is meaningless to refer to lying as right or wrong, good or bad

EXAMPLE: CONFLICTS OF INTEREST

Consequentialist – Conflicts hurt one or the other client and the reputation of the profession

Deontological – Conflicts show a lack of loyalty, are against the rules, are unfair, allow bias

Virtue Ethics – Conflicts prevent you from being disinterested and objective; make you a trashy lawyer

Ethical Pragmatism – Society tolerates some kinds of conflicts but not others

Emotivism – It is meaningless to refer to conflicts as right or wrong, good or bad

Immoral & Selfish – Have to do what it takes to get what I want, expediency

EXAMPLE: BUILDING CONSENSUS

Consequentialist – Regardless of people's opinions, everyone agrees on what is hurtful or harmful and can agree we should avoid that

Deontological – Natural law – most people and cultures share basic moral ideas and values

Virtue Ethics – only enlightened people can be virtuous

Ethical Pragmatism – Societal consensus evolves over time, and we should defer to the current majority viewpoint

Emotivism – It is meaningless to seek agreement about morality, just as it is meaningless to seek consensus on tastes

Immoral & Selfish – Use whatever moral justifications necessary to get what I want