Ethical Contexts and Theoretical Issues

Ethical Contexts and Theoretical Issues: Essays in Ethical Thinking

By

Santiago Sia

CAMBRIDGE SCHOLARS PUBLISHING

Ethical Contexts and Theoretical Issues: Essays in Ethical Thinking, by Santiago Sia

This book first published 2010

Cambridge Scholars Publishing

12 Back Chapman Street, Newcastle upon Tyne, NE6 2XX, UK

British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library

ISBN (10): 1-4438-1764-3, ISBN (13): 978-1-4438-1764-6

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PREFACE

This book has been long in gestation, and equally long in writing. Ethics is definitely a challenging academic discipline that has preoccupied my attention and will continue to do so. To some extent this work represents the development in my own thinking on this topic over a number of years as I undertook research in and taught the subject in various and varied contexts. Although the various essays were written at different times and for different audiences, they have been arranged systematically, rather than chronologically, in this work; consequently, the book as a whole illustrates a methodology that I have found especially helpful in this subject and charts my own progression towards the ethical theory which, in my view, provides a particularly helpful framework for investigating ethical situations and which has been set out in our book (co-authored with Ferdinand Santos), *Personal Identity, the Self and Ethics.* It is not, nor is it intended to be, a substitute for the important task of following though with one's own ethical pursuits.

It is inevitable that in the course of undertaking this task and bringing it to completion in this form, I will have incurred a lot of indebtedness, which I am only too happy to acknowledge:

Several institutions/organizations deserve my gratitude for their help and support: among them, Loyola Marymount University, L.A, USA; Divine Word Seminary, Tagaytay City, Philippines, Katholieke Universiteit, Leuven, Belgium; Newman College, Birmingham, England; Milltown Institute, Dublin, Ireland; University of Silesia, Poland; Wyższe Seminarium Duchowne, Katowice, Poland; Carmel Hill Philosophy College, Trivandrum, India; Satya Nilayam, Chennai, India; the United Nations IAEA, Vienna, Austria; the European Commission (Directorate-General of Atomic Energy), Brussels, Belgium; Autorité de Sûreté Nucléaire , France; and the University of Ulm, Germany.

Editors/book publishers were gracious enough to allow me to include essays (or sections of essays) which had originally appeared in their publications—I want to thank them: "Moral Judgment as Prescriptive," *Milltown Studies* (Ireland) (Autumn 1983), 17-26; "Kai Nielsen's Criticisms of Religious Ethics," *Milltown Studies* (Ireland) (Autumn 1985), 1-9; "The Function of Religion in Human Life and Thought: a Whiteheadian Exploration." in Marcel Sarot and Gijsbert van den Brink (eds.)*, Identity and*

Change in the Christian Tradition. Studies in Philosophical Theology 2 (Frankfurt: Peter Lang Publishers, 1999), 57-71; "Teaching Ethics in a Core Curriculum," *Teaching Ethics* (Fall 2001), 69-76; "Ethics Across the Curriculum: Some Observations," *Teaching Ethics* (forthcoming); "Personal Identity in Charles Hartshorne's Metaphysics," in Nikolay V. Omelchenko, ed., *Human Being in Contemporary Philosophical Conceptions: the Proceedings of the 3rd International Conference, Volgograd, September 14-17, 2004*, 2 vols. (Volgograd: Print Press, 2004); reprinted in EUPHIDAS—European Philosophical Databases Systems; *Philosophy in Context.* Dharma Endowment Lectures 2005 (Bangalore: Dharmaram Publications, 2006); (with Ferdinand Santos), *Personal Identity, the Self and Ethics,* (N.Y. and U.K: Palgrave Macmillan, 2007), Chapters 7 and 8; "Philosophy and Literature: a Whiteheadian Perspective," *Sofia Philosophical Review* (Bulgaria), II, 1 (2008), 31-47; "Ethics and Religion," *New Blackfriars* (UK), Vol. 89, Issue 1024 (November 2008), 702-709; "Ethical Thinking and Philosophy," *New Blackfriars* (forthcoming); "Ethical Issues in Radiology: a Philosophical Perspective," *Radiation Protection Dosimetry,* http://rpd.oxfordjournals.org/cgi/reprint/ncp042?; "Justification and Radiology: Some Ethical Considerations," *Radiation Protection Dosimetry*,http://rpd.oxfordjournals.org/cgi/reprint/ncp041? *ROCSIR* http://rocsir.usv.ro/actual/23Santiago%Sia.htm; "The Aim of Moral Striving: a Comparative-Creative Approach to Confucius's and Aristotle's Ethical Theories," *International Journal of Philosophy* (July 2009), 1-13; "Creative Synthesis: a Process Interpretation of Causality," Φιλοσοφια*: International Journal in Philosophy,* Vol. 36, No. 2 (May 2007), 213-221; "Education, the Business Model and the Bologna Process: a Philosophical Response," Alexander Gungov, ed. *The EU and its Addressees* (Sofia University Press: forthcoming).

I want to record my sincere appreciation of the interest in and support of my work shown by President Mary McAlesse of Ireland and her staff.

Every single work of mine owes a great deal to several individuals—and this one is no exception—and I want to express my gratitude to them all: Ferdinand Santos, Jim Malone, Geraldine O'Reilly, Elaine Englehardt, Kleofas W. Gródek, Bogdan Ogrodnik, Łukasz Tofilski, Kurian Kachappilly, Sebastian Koodappattu, Lawrence Fernandes, Antonio Russo, Éanna Morley, Remigiusz Baranczyk, Rethy Chhem, Carol Koulikourdi, Amanda Millar and many others.

My wife, Marian, has always been supportive of my work—to her my greatest and warmest thanks.

INTRODUCTION

Ethical Thinking

Ethics has become a particularly relevant topic for discussion and a subject for serious study. It has a very long tradition, of course; but nowadays one hears frequently of the need, because of abuses or concerns, to formulate and adopt ethical codes in various areas or professions.[1] Advances in science and technology resulting in new developments in various fields, including medicine, have presented fresh ethical problems, some of which could hardly have been anticipated. The perception of a loss of moral values in society has sparked off a persistent demand for more ethical training at home, in schools, and in society in general. There has also been a call to upgrade the moral status of a country.[2] For various reasons, not all of which are altruistic or disinterested, "ethical," "responsibility" and "accountability" have indeed become buzz words in present-day society.[3] Ethics and ethical issues do indeed continue to challenge us.

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[1] In her message to the Society for Ethics Across the Curriculum, which held its 9th International Conference in Dublin, President Mary McAleese of Ireland, writes: "Since the Conference was held in November 2007, our world has been turned upside down by the global financial and economic crisis. One of the dimensions of the crisis that has engendered considerable public anger and resentment has been the growing evidence of low ethical standards and values which have had devastating consequences." *Teaching Ethics*, IX, 1 (Fall 2008), p. 3.

[2] This was particularly evident in the 2008 American elections.

[3] Ethics has literally become fashionable! In the *Irish Times Magazine* (March 14, 2009), the article with the comment "Ethical fashion is big business." states: "At the recent London Fashion Week, the most extensive area in the Exhibition Hall was Esthetica, which was showcasing ethical designer fashion and which grows bigger each season…. It is all part of a growing awareness of how, where and in what conditions our clothes are made."(p. 22). Moreover, *Fashion Theory* (December 2008) contains essays on topics like slow fashion, ethical branding and the consumer, eco tech fashion and celebrity chick, and the "green commodity fetish" (www.ingentaconnect.com). The *Irish Times Travel Supplement* (every Saturday) also regularly carries a column titled "Ethical Tourism" which provides information to those who wish to take ethical considerations into account in their travels.

Scholars, educators and practitioners have responded to this need and call by contributing the rich resources of their respective disciplines to the on-going discussion. Consequently, in addition to traditional courses and publications in ethics or moral theology, several more have appeared in specific areas, like bioethics, media ethics, engineering ethics, business ethics, environmental ethics and the like. Ethics committees have been set up. Various consultancies, conferences and symposia have been organized. Programmes like "Ethics Across the Curriculum" have been offered. All these, and many others, seem to attest to the urgency and relevance of the topic.

The felt need for ethics, however, is translated into different expectations or conception of ethics and its challenges. There has always been a tendency to regard ethics as concerned with rules and regulations. Today that view equates ethics with codes of conduct. As a result, the ethical challenge is identified with the formulation, adoption and implementation of a set of clear guidelines that will regulate and evaluate behaviour or practice. This is particularly true in several professional bodies such as in medicine, science or business. Increasingly, this understanding of ethics also seems to underlie the call for ethics among politicians as can be seen in the kind of ethics committees formed for that purpose. Politicians are even hauled before such committees to establish whether their behaviour can be deemed ethically appropriate. Another common conception of ethics is that it is a matter of taking a position or even having an opinion on specific situations. Many times the debates on euthanasia, abortion, or evolving family structures, come down to this. Behind such a view of ethics is the assumption that ethics is ultimately a subjective judgment or decision that one makes. In some cases, it is even equated with simply expressing what one believes about or even what one feels about the matter. It is an assumption that is at times expressed as "in ethics there are no right or wrong answers", a statement that results from realizing the complexity of arriving at an acceptable ethical point of view, or "in ethical matters, I want to be able to assert my freedom or to have a choice", a claim that emphasizes the subjective nature of the decision. Still another conception of ethics, which has long roots in society, is that it is the general consensus of the individuals composing that society. That view is sometimes referred to as "conventional or the majority view". One's behaviour is expected to be in line with what is agreed upon by that society. Sometimes this is equated with the culture of a particular people. Such an understanding of ethics especially comes to the fore as we become more aware of the diversity in the ways of life throughout the world.

But ethics and its challenges are much more than these—when we take into account the nature and status of the moral agents and the factors which make up ethical decision-making itself. In ethics, one is simply not talking about asking for directions or guidelines.[4] Nor is the agent merely an implementer of a pre-established rule or guideline. Although in judging what is ethical or not and in deciding which course of action to take, there is greater involvement on the part of the agent, this does not mean that an ethical decision is merely a matter of preference or choice. It is not necessarily the majority view of society or the culture of that society either. Because of our make-up as human beings, endowed with intellect and free will, such decisions and actions should be characterized with a certain amount of reflection and freedom on our part. It is for this reason that one must distinguish mere instinctive behaviour from human conduct in various contexts and the cultural from the social. Furthermore, exercising one's freedom is not the same as exercising one's freedom responsibly.

This work is intended to indicate, among others, the importance of thinking in ethical matters, an argument that is developed, illustrated and defended throughout the book. While it would be rather naïve and even mistaken to claim that in the various expectations and conceptions of ethics sketched above and the ethical task mentioned earlier there is no thinking involved, it is nevertheless true that in some cases the injunction to simply "follow your heart", "trust your feelings", or "go with the flow" would convey that impression. The same point could be made with the insistence on "abiding by the code" or "following the laws of society." This book wants to argue for the need to think through the judgments we make and the decisions we take on ethical situations. Furthermore, it wants to claim that we should investigate more critically the basis of such judgments and decisions. It also alleges that in ethics, as well as in other areas of life, it is important to have an overall vision that should ground, inform and support any judgment or decision we make. Obviously, these claims belie a certain conception on the part of the author; namely, that ethics is a rational activity that is undertaken by rational agents. Consequently, some of the discussion in this book necessarily focus on and develop that conception.

Philosophy, as an academic discipline, and not just in ethics, has always been associated with this line of enquiry. In fact, philosophy as the love of wisdom is indeed interested not merely in raising questions to advance our knowledge but also, and even more importantly so, in pursuing

[4] In the context of media communication, cf. Elaine E. Englehardt and Ralph D. Barney, *Media and Ethics: Principles for Moral Decisions* (Wadsworth, 2002).

any answers received in the hope at arriving at a more consistent and defensible point of view. Regrettably, often philosophical thinking—in the view of many, including some philosophers themselves—is seen to be such an intellectual exercise that it is perceived to be divorced from the concrete concerns of ordinary life. Rationality is often interpreted—unfortunately, some philosophical squabbles illustrate this—to mean disembodied thinking! Admittedly, as we engage in more serious and protracted thinking—as is done in philosophy and in other disciplines—it could appear more and more abstract. This is inevitable. But hopefully this consequence of the pursuit of wisdom does not lessen the valuable advantage to our daily lives or restrict our ability to conduct what is really a human exercise.

From Context to Theory

This book aims to make a philosophical contribution to the discussions and debates on the topic. Compared to the traditional approach to the philosophical study of ethics of articulating and defending an ethical theory and then applying it to specific situations, however, this book adopts a different strategy.[5] It shows that such ethical thinking, in the concrete particulars, originates in various academic and professional contexts, among others.[6] But inasmuch as theoretical issues require wider and more intensive attention, it argues that ethical thinking needs to be pursued further and that it can be aided by philosophical investigations. Moreover, in its concluding chapters the book presents an alternative foundation for ethical decision-making—which has been developed more substantially in *Personal Identity, the Self and Ethics* (co-authored with Ferdinand Santos).[7] Philosophically grounded, it moves away from an individualistic ethical perspective to a relational one that has been shaped through dialogue with the various contexts in which ethical thinking arises.

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[5] In my teaching of ethical theories in a core curriculum, I was faced with the challenge of teaching ethical theories to students who had different majors and therefore varied backgrounds in philosophy. To some extent that experience which I describe in Appendices A and B was another stimulus for devising a different strategy in promoting ethical thinking. Teachers of ethics may wish to start with that part of the book.

[6] The strategy pursued here complements that followed in: Marian F. Sia and Santiago Sia, *From Suffering to God: Exploring our Images of God in the Light of Suffering* (St. Martin's/Macmillan, 1994).

[7] (Palgrave Macmillan, 2007).

This book, in its origin and organization, follows that strategy. The various chapters that comprise it were initially papers which the author gave at various conferences of professional and academic bodies. It was their suggestion and stimulation that helped to shape this work and advance the philosophical enquiry.[8] While ethics was the common concern in these gatherings, e.g. of scientists, medical people, educators, literary people, religious groups and so on, the author's particular concern has been: in ethical matters, what can philosophy learn from the various disciplines and what can philosophy contribute to the advancement of our knowledge of ethics? The book, while remaining a philosophical work, has benefited tremendously from this interdisciplinary exchange.

The book has two parts. **Part I: Ethical Contexts** and **Part II: Theoretical Issues.** The essays in Part I provide, and interact with, different settings which give rise to some ethical considerations while the essays in Part II deal with the ethical issues from a more philosophical perspective. The contexts chosen for this book were those that the author had the honour of addressing on separate occasions. They illustrate, rather than exhaust, the situations, including everyday ones, when the focus of interest shifts to ethical considerations. The theoretical issues discussed, with reference to chosen philosophers, provide a scaffolding, as it were, on which the reader can stand and follow up the challenge of ethical thinking. The nature and style of writing of the different chapters reflect the original specific audiences of the presentations. I have retained these as much as possible in order to convey the variety of interest in pursuing this ethical enquiry as well as to be consistent with the strategy of this book. The arrangement of these chapters, however, follows the logical progression of my own thinking in ethics (rather than in the temporal sequence of their original delivery). Thus, although each chapter stands on its own—since they were separate presentations—they also cohere together as an unfolding development of my perspective. Inevitably, there is a certain amount of overlapping and repetition in the content, but I have kept this to a minimum and mainly to preserve the integrity of the individual essays.

Chapter One: Ethical Issues in Science and Medicine: a Philosophical Perspective. Originally based on presentations at the 2nd International Conference on Ethics Across the Curriculum, Rochester Institute of Technology (USA); the Bionet Interdisciplinary Symposium (Ireland); during Radio Telefís Éireann (Ireland) Ethics and Science Debate; and expanded for a presentation at the Dublin SENTINEL International Workshop for Radi-

[8] The most immediate stimulus was the Consultancy on Justification in Radiology which had been organized by the UN IAEA in Vienna in December, 2007. I am particularly indebted to the group for their interest and encouragement.

ologists, this chapter sets out to show how the philosophical perspective can contribute to the clarification of issues and the development of ethical thinking in science and medicine. It also expounds on how the shaping of an ethical theory can benefit from listening to practitioners of these disciplines.

Chapter Two: Justification and Radiology: Some Ethical Considerations. A commissioned paper by the UN International Atomic Energy Agency (Vienna, Austria) for its consultation on the justification of radiology and the drafting of an official document, this chapter comments on the existing justification theories which underpin radiological practice and presents an alternative approach. By focusing on the agent, the act, and the recipient (and discussing relevant ethical issues in each section), it facilitates the ethical discussion of professional issues by the practitioners themselves.[9]

Chapter Three: Education, the Business Model and the Bologna Process: a Philosophical Response. This chapter is an expanded version (and incorporates an essay by Marian F. Sia) of the response to a lecture delivered at an academic event celebrating the centenary of the National University of Ireland. It also utilizes portions of a lecture given at the University of Malta. It was subsequently presented at the International Conference on the EU and Its Addressees held at Sofia University (Bulgaria) and as a keynote lecture at Babeş-Bolyai University, Cluj Napoca, (Romania). It discusses, comments on, and critiques the changes in university education due to the Bologna Process which has transformed the teaching and assessment of courses throughout Europe. While acknowledging the positive contributions of the so-called "business model" that has been introduced in academia, it shows how the humanities, philosophy in particular, can be a strong reminder that education is not just about training the worker, the technician, the bureaucrat, the business person, but more importantly about developing the human being as a moral person.

Chapter Four: Moral Reasoning and Moral Development: Lessons from Psychology. Originally a paper presented to educators in England, this chapter comments on the challenge of moral education in schools. It then presents and critiques the research and findings of Laurence Kohlberg. With Carol Gilligan and Craig Dystra, it questions the theoretical underpinnings of Kohlberg's conclusions and indicates the need to look more closely at what is involved in making a moral decision.

[9] In effect, this is what happened at the consultation process, and the resulting policy document reflects this strategy.

Chapter Five: Ethics and Religion: a Philosophical Contribution to the Debate. This chapter, based on the Dharma Endowment Lecture given at Dharmaram Vidya Kshetram, Bangalore (India), offers a particular interpretation of the relationship between ethics and religion. Noting the importance of the debate and its implications, the chapter argues that the claims of a purely humanistic ethics can be supported. But at the same time, it defends the view that religious belief in a personal God can have a positive contribution to morality.

Chapter Six: Literary Insights, Philosophical Development and Ethical Reflections: an Exploration into their Interconnectedness. Presented at the European Conference on Process Philosophy in Lille (France), this revised and expanded essay develops Whitehead's insights into the connections between literature and philosophy. It shows why literature, particularly poetry, can be a rich source for ethical thinking and how it, in turn, can benefit from the dialogue between these two disciplines.

Chapter Seven: Balancing Individual and Public Interests: a Philosophical Analysis. Based on papers and panel contributions given at the International Workshop on Justification of Medical Exposure in Diagnostic Imaging, European Commission, Brussels (Belgium); and at the International Symposium: Non-Medical Exposures, European Commission, Directorate for Energy and Transport Directorate H-Nuclear Energy, Dublin Castle (Ireland); International Conference on Modern Radiotherapy in Versailles (France); and the International Conference on Medical Imaging and Philosophy, University of Ulm (Germany), this chapter discusses specific social and political concerns and their ethical implications. In addition, the issues brought up in this chapter lead on to the more developed theoretical discussions in the next Part.

The chapters, which comprise Part II, concentrate on theoretical issues and follow a particular line of argument while drawing on the thoughts of selected philosophers. The discussion starts with an investigation of the nature of a moral judgment and then moves on to examine the aim of morality. The next chapters probe into the norms of morality with a view to examining and presenting an alternative ethical theory. Part II thus follow up and develop the philosophical issues which underlie the discussions in the various chapters of Part I.

Chapter Eight: The Logical Status of a Moral Judgment: an Assessment of Hare's Prescriptivism. This chapter was originally a paper given to the Dept. of Philosophy at Loyola University in Chicago, USA. Focusing on the issue of the status of a moral judgment, it assesses the contributions made by metaethics to ethical thinking. But it challenges Hare's prescriptivism and argues for the need to put more importance on the moral

criterion that informs a moral judgment. The subsequent chapters are intended to develop that challenge.

Chapter Nine: The Aim of Moral Striving: a Creative-Comparative Approach to Aristotle's and Confucius's Ethical Theories. This chapter is based on a paper delivered at the School for Comparative Philosophy International Conference on The Possibilities and Application of Comparative Philosophy, Antwerp University (Belgium). It focuses on a fundamental issue in ethical thinking; namely, the aim of moral striving. Adopting what the author calls a "creative-comparative approach", it asks and answers what ethical thinking can learn from the ethical theories of Aristotle and Confucius. It also raises the question of the universality of the ethical pursuit, given the diversity of cultures.

Chapter Ten: Natural Law and Change: a Review of Aquinas's Moral Norm. Based on an earlier paper given at a philosophy research colloquium in Dublin (Ireland), this chapter scrutinizes Aquinas's version of the natural law theory. It evaluates favourably its significance as a moral norm, but argues for the need to revise our understanding of this moral criterion in the light of contemporary experience of change and secularization. The chapter puts forward a suggestion (developed in later chapters) that "nature" be interpreted more in consonant with contemporary physics and relational philosophy.

Chapter Eleven: Living Fully, Living Responsibly: Buber's Philosophy of Dialogue. Presented to an audience of philosophers and theologians in the Divine Word Seminary, Tagaytay City (the Philippines), this chapter deals systematically with the fundamental categories of Buber's philosophy of dialogue. It maintains and develops the significance of Buber's notion of "interrelatedness" for a relational philosophy and shows how it can serve as a more appropriate moral norm for living a responsible life. It critiques this philosophy, however, for its lack of a metaphysical backing, a lack that is addressed in the later chapters of the book.

Chapter Twelve: The Function of Religion in Human Life and Thought: a Whiteheadian Exploration. This chapter was a paper given at the International Research Colloquium at Utrecht University (the Netherlands) of philosophers and theologians. Drawing on and developing Whitehead's notion of religion, it shows how religion in Whitehead's philosophy is integrated with human life and thought, an important consideration in ethical thinking.

Chapter Thirteen: The Concept of Creative Synthesis: an Intersection Point for Science, Metaphysics and Ethics. This chapter makes use of papers presented at the SophiaEurope International Conference on Philosophies of Action at the Salesian Pontifical University in Rome (Italy); at the

International Conference on Process and Creativity at Fu Jen Catholic University in Taipei (Taiwan); at the International Conference on the Re-enchantment of Nature (Morelia, Mexico); and at the VII International Symposium of Philosophy at Kocaeli University (Turkey). Focusing on Hartshorne's metaphysical concept of creative synthesis, which had been developed in dialogue with contemporary physics, the chapter shows how this concept can be a more defensible basis for a relational ethical theory, which avoids the justified criticisms of the natural law theory of Aquinas and supplies the metaphysical backing needed in Buber's philosophy of dialogue. It then unpacks the implications of such a basis for ethical behaviour, particularly in developing a philosophy of action.

Chapter Fourteen: Personal Identity and the Self: Some Ethical Implications of Hartshorne's Philosophical Anthropology. Incorporating a short piece given at the International Conference on Human Being in Contemporary Philosophical Perspectives at Volgograd State University (Russia), this much expanded paper formed the basis for a presentation at the International Conference on Human Person: Philosophical, Theological and Scientific Perspectives (Gorizia, Italy).[10] It develops Hartshorne's philosophical anthropology as a basis for a relational ethical theory. It presents a concept of selfhood that challenges the postmodern talk of the "fall of the self" and one that results in a different understanding of the human being's place in nature. It argues for the importance of developing an ethical theory that can serve as an alternative to prevailing ethical theories.

The final chapter*, Concluding Comments,* draws together in a systematic way the lessons one can learn about ethical thinking that is contextualized and in dialogue with various disciplines. It shows in what way philosophy can respond to the continuing challenge that ethical situations present by offering guidelines to develop moral sense that will enable one to take a moral stance.[11]

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[10] A major portion of this chapter is an abridged and edited version of selected sections in Ferdinand Santos and Santiago Sia, *Personal Identity, the Self, and Ethics* (Palgrave Macmillan, 2007).

[11] As President Mary McAleese puts it in her message to the Society for Ethics Across the Curriculum, "The topics grappled with at the Conference and now set out in this edition of *Teaching Ethics* are right at the heart of a contemporary tumult that is both local and global and which is consuming the attention of governments and citizens alike. One of the clearest points of consensus to emerge so far is the need for a new and sharp focus on ethical values and thinking in terms of the world of business and financial institutions round the globe. The unprecedented focus on ethics in this context has the potential to create a significant momentum for real change and real good. The opportunity presented for a new beginning will not be easily or quickly brought to fruition, because the issues involved are com-

The two **Appendices** were papers given at conferences organized by the Society for Ethics Across the Curriculum in the USA (at the Rochester Institute of Technology, N.Y and at the University of Utah, Salt Lake City). The focus of these papers, given the context of these conferences, is the teaching of ethics. These papers also provide the pedagogical background to the approach taken in this book.

plex and multi-faceted. It is all the more important therefore that the public continue to probe these issues and participate in the kind of debate and dialogue encouraged by the Conference, this publication and by the Society's ongoing scholarly work in promoting the teaching of ethics across all academic disciplines. We have need of such a wise and rational forum." *Op. cit.*

PART ONE:

ETHICAL CONTEXTS

CHAPTER ONE

ETHICAL ISSUES IN SCIENCE AND MEDICINE: A PHILOSOPHICAL PERSPECTIVE

Introduction

Given that there is much disagreement as to what constitutes "philosophy", even among philosophers, it is a challenge to provide a philosophical perspective. There are, however, at least two areas which most philosophers would regard as coming within the terrain of philosophical thinking: (1) the clarification of issues, and (2) providing some sort of a foundation on which further thinking can take place. Thus, by way of contributing a philosophical perspective to the discussion here, I will try to clarify some of the more fundamental issues regarding ethical debates in the hope of establishing some kind of a theoretical foundation on which to base our discussion of the more specific issues which concern us. In addition, I will keep in mind that a philosophical perspective is intended to widen the scope of our discussion.

Ethics and Ethical Discussions

The term "ethics" has featured a lot in present-day discussions, whether in the media, in public discussions or in more specialized areas such as medicine. This gathering, which focuses on ethical issues in radiology is a very good example of how relevant this word has become. We are becoming more aware of the need for a code of conduct to guide our deliberations on various matters. The impression that is thus given is that adherence to such a code (particularly if that has been drawn up by the profession) makes our conduct "ethical".

The first point that I want to state and clarify is that ethics and ethical conduct are much more than merely following an agreed way of behaving—the impression one gets from all the talk about the need for ethics in various areas or fields. Having a code of conduct is of course important and essential, but it would be misleading to think that "ethics" or "ethical decision/judgment" is merely a matter of "going by the book", as it were.

That is what makes discussions regarding ethical issues, be they in radiology or in any other areas, so complicated and so seemingly inconclusive. Why? Because when we ask what the ethical thing to do is in a situation, it is a question that is actually multi-faceted. It is not the same as merely asking for information, as when we ask for directions to reach our destination. In ethical discourse, for instance, asking the question: "How much radiation would be considered ethical?", we need to consider not just what it is that we are proposing to do, but also why we want to do it, how it would affect various parties, whether this is in keeping with values that we ought to uphold, whether we are setting precedents, or whether we would be acting if there were the risk that everyone else would be following our example. Acting ethically, whether personally or professionally is much more complex and involved than simply adopting a code of conduct or following certain agreed guidelines.[1]

My first point leads me to the second, and here I want to single out the ethical debate in scientific or medical circles, including this gathering. The kind of questions that drives our interests in these fields and those that need to be pursued in ethics are quite distinct. Scientific and medical endeavours, as I understand them, are not only largely based on what is tangible, what can be verified, but also and perhaps more importantly, on what can be done. Science or medicine concerns itself with pushing the boundaries of what we presently know about ourselves and the world we live in. Not only is this a legitimate enterprise, it is also in many ways one that has developed and even improved our lives. Ethics, for its part, is about what we ought to do or not do. And in many cases, what we can do, what we want to do, what we are told to do—is something different from what we ought to do. It is therefore a different line of inquiry compared to the scientific or medical one, but just as legitimate.

Does this mean then that ethical considerations always set limits to what we can do? Does this amount to saying that science or medicine and ethics are poles apart? Should we call a halt now to genetic testing, to stem cell research, or to our use of radiation, because it may be deemed unethical? Not necessarily. First, because both questions: "What can we do?" and "What ought we to do?" are important *human* questions. It is the same humanity that enables scientists, medical experts, and ethicists to ask and to pursue those questions. Secondly, what this means is that we cannot or ought not to totally exclude either question from our considerations. As we seek, in science or medicine, to enlarge our knowledge and our capabilities, or as we pursue greater control of our destiny, we also need to pause

[1] See Chapter Two.

and ask: "Ought we to go any further?" Similarly, those of us who are more concerned with the ethical question, "Ought we to do or not do it?"' should also stop and ask ourselves: "What can we do further?" What this last comment means for ethicists is that ethics and ethical decision-making cannot simply be informed by past knowledge or by moral principles that we have worked out based on information available then. We also have to listen to and be informed by developments in empirical science even to the extent of revising our ethical judgments.[2] Why? Because even if we can defend the view that there are moral absolutes, our knowledge of what is ethical in specific matters is not absolute. The principles of doing good and avoiding evil at all times or of not inflicting harm on an innocent party are universally acknowledged, but how these principles apply to specific cases requires a more nuanced judgment. This is because application is always to specific cases or situations, and this move to the concrete situation from the abstract principle is dependent on several factors—some of which I had mentioned earlier. Developments in science and medicine are a prime example of this. They alert us to the need for ethicists to take account of the findings of these fields before making ethical judgments.

This brings me to another point as I consider the ethical debates in science, medicine and elsewhere: what we need to focus and work on is developing our moral sense. By this I mean, a sense of responsibility that is spurred on by what we can do but is constantly guided by what we ought to do or not do. In the case of genetic testing, stem cell research, or radiology, for instance, that point translates to asking continuously: "Are there justified and justifiable reasons for proceeding with pushing the boundaries?" To develop this further, which will concern me in the next part of this paper, I need to show that these questions underlie the need for the larger picture—and that is where ethical theories developed in philosophy can have a role to play and what a philosophical perspective has to offer.

[2] The issue of ethical relativism comes to mind here. If by relativism is meant the philosophical doctrine which maintains that everything is relative, then clearly this would be contradictory since even that statement that everything is relative is itself relative and therefore need not be accepted as true. What is meant here rather is that in moral decision-making there is a certain amount of relativity not only because several subjective factors do influence our knowledge of what is right but also because ethical judgment must take into account the particularity of situations.

Ethical Theories

Admittedly, the issue of ethical theories poses a number of challenges. In addition to having to address the complexities of communicating philosophical ideas, some of which can appear rather abstract, one has to convey the importance and relevance of ethical theories. And yet certain ethical theories already underlie many of our responses to specific situations. Among these are the dominant ones in Western tradition; namely, utilitarianism, which asks us to maximize the benefits/acceptable consequences and minimize the pain/harm of our actions; the deontological theory of Kant, which focuses on what motivates the agent; and the rights-theory which is based on a certain understanding of our nature as human beings. In fact, one can detect these ethical theories behind the references to "justification of practice" in the publications for radiographers.

In line with what I had claimed previously regarding the development of a moral sense, I will be more concerned here with showing the importance of an ethical theory (and not just specific guidelines) when we discuss ethical concerns. I should like to suggest that while certain ethical considerations do arise in specific professional contexts in a practical way, e.g. medical or scientific, the primary context of our deliberation is our human nature.[3] That is to say, ethical questions arise because we are first and foremost human beings in search of answers as to how we ought to behave as medics or scientists. Ethical inquiry, no matter in what field, must be rooted in an examination of what it means to be a human being in a concrete world.[4] If this observation is correct, then all ethical debates by its nature is grounded in certain theoretical foundations. The exploration of specific ethical questions such as is done in science or medicine and of more philosophical questions stand on common ground. The ethical issues "emerge" or "arise" when we examine particular situations as human beings, whatever our profession.

Pursuing the question "what ought I to do?" in the ethical context leads to a consideration of the nature of the questioner not just in terms of the nature of the "I" but also in regard to why the question arises in the first place. The ethical issues are issues for us human beings and because we are human beings. "What ought I to do?" is a human question, and it arises because we are the kind of beings that can distinguish between what is and what ought to be. Although we do not always know what we ought

[3] I am aware that the notion of human nature is itself problematic. I am using it here merely to mean our humanity.

[4] This, I believe, is the context of the ethical enquiry.

to do, nevertheless we are aware that it differs from doing just anything. There is something about our make-up that leads us to make such a crucial distinction. It is a more fundamental sense than the desire to arrive at a definite answer in cases when we are looking for the right choice to be made as medical or scientific people. In short, the moral sense, referred to previously, is a human feature.

"What ought I to do?" is a central question in ethics. It leads to action. It is more than that of course because the question is intended to lead to a specific kind of action; namely, one that can be characterized as good, moral or ethical. Despite varying answers as to which actions can be so characterized, given the competing ethical criteria put forward by philosophers, the question in the context of an ethical inquiry is a search for a definite kind of action. "What ought I to do?" translates into "What course of action should I pursue such that I can be said to be acting responsibly?" What all this amounts to is that the practicality of ethics and the urgency of certain situations lead some to equate ethics with a process of fact-finding, information-gathering, and the provision of definite guidelines that will enable those who find themselves in a moral dilemma not only to know the facts of the situation but also, and more importantly, to respond to it in an ethical way.

The nature of this question thus makes some question the study of ethical theories, especially when they discover not only that there are a number of them but also that they even contradict one another. As far as they are concerned, if ethics is meant to answer the question "what ought I to do?" would it not be much easier if they were given the "right solutions" in the first place? At least, they would know whether they are acting correctly or not as medical or scientific people. Furthermore, the word "theory" itself seems incompatible with the practicality and specificity of this ethical question. Instead it gives support to those who have misgivings about the relevance of ethical theories in what they consider to be "the real world". But if we explore this question further, which is what a philosophical perspective concerns itself with, it inevitably leads to further questions: "What is the basis for one's judgment, and why does the question arise in the first place?" Philosophy challenges us to think through any answers we may give—and even the question itself.

Ethical theories can be understood to have arisen and to have been developed in an attempt to provide a more consistent and more systematic answer.[5] In some cases the answer to the question "what ought I to do?"

[5] This is not of course true with every ethical theory, e.g. Aquinas's natural law theory, insofar as his ethical theory starts with a more metaphysical vision.

has to be a quick and even instinctive one. But in the ethical context, one's answer should be much more thoughtful. This does not mean that every time we find ourselves in an ethical situation, we cannot and should not act until we have undergone a prolonged and thorough process of thinking about the matter. Many cases, particularly medical ones, do not allow us that luxury for every problem. This is where ethical theories—and the study of these—can be of paramount importance as they can serve as a "theoretical framework" that enables us to work out an ethical solution to the problem. The basis for one's judgment, even those done in a hurry, can be more firmly grounded. In any ethical decision, there are underlying theoretical assumptions. What the study of ethical theories does is to expose those and subject them to a critical evaluation, thus giving us an "early lead", as it were, in urgent cases.

The practicality of the question "what ought I to do" should not mislead us into concluding that the ethical choice is essentially about ready solutions—a point that I had already made earlier. It is important to distinguish between a superficial and a profound answer to that question. It is important of course to gather all the relevant facts before one makes a decision. But as we review these and then consider more questions, it is important to realize that the gathering of facts itself presupposes an implied evaluation of those facts (even just the matter of "what counts" and "what does not").[6] Although it does not always emerge as readily as one would wish, the description of what is a profound answer to the question "what ought I to do?" changes to "where much thought has been given to it".[7] This of course leads to further questions: Why does it matter that we put much thought to our answer? When can one say that one has given it sufficient thought? Who judges ultimately that enough thought has been given to the answer that one has arrived at? What these and other questions disclose is that in our attempt to answer the ethical question "what ought I to do?" we do fall back, although not always consciously, not just on our desire to arrive at answers but also on our ability to give a more considered kind of answer. We are the sort of beings to whom this situation applies. We are, as Aristotle had pointed out, rational animals.

As we examine who we are in the light of the question "what ought I to do?", it should be remembered that the significance of the question, in

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[6] Generally, we make a distinction between facts and values, between a scientific enquiry and an ethical one. I do not believe, however, that there is such a thing as a value-free fact. Even in the selection and presentation of facts, there are always certain value assumptions behind that individual's choice. See Chapter Eight.

[7] In other words, it is not and should not be merely like the ad of a well-known sporting company: "Just do it!"

the context of an ethical choice, does not lie in its functionality (as would be the case if I were merely faced with having to decide on alternative routes to a specified destination). Rather, it consists in its being grounded in our very rationality. Thus, not only does it arise because, as rational beings, we are inclined to ask questions but also because the kind of answer that one can expect from us reflects our very nature as rational animals.

Reviewing the Present Discussion

So far I have dealt with the topic by attempting to clarify what I regard as fundamental issues in any discussion involving ethics and by elaborating on the role of an ethical theory in such a discussion. It is now time to see—or rather "review", as it were—how such a philosophical perspective can help us deal with the issues at hand. I am using the word "review' in the two senses of "seeing again" and of "evaluating".

The need in radiology to review not only existing practice but also the justification for it—as evidenced in various publications/reports of the profession and by this gathering—is indicative of concerns which are brought about by the developments in the profession. This is an important consideration and illustrates what I have tried to show; namely, that as our knowledge of situations which require action on our part, i.e. what we can do, increases, so do the ethical issues. This means that reviewing what has been regarded as justified and justifiable heretofore is *itself part of the ethical challenge.* As we have seen, it is the nature of the ethical enquiry. An important ethical guideline to facilitate this is to realize that ethical decision-making has an abstract and a concrete dimension.

The abstract dimension is the principle that whatever is done is done to uphold the dignity of the patient and hence to optimize his/her well-being. This should always be the non-negotiable consideration. On the other hand, the concreteness of the situation means that, from an ethical perspective, we need to monitor what is constantly developing: the risks, the benefits, and the harm— in all of these both short-term and long-term considerations. The concreteness of the specific situations which can lead to ethical problems and even dilemmas means that the non-negotiable consideration, referred to above, has to be contextualized. For this reason, it is important to engage in continuous assessment, to set up ethics committees and to localize decision-making.

In the end, ethics is about making a human judgment: implementing the abstract ethical principle in the specific concrete case. That is why I

had referred, in the first part of this paper, to the development of our moral sense because only in this way can we come closer to acting ethically.