

Thinking about Ethics

Mark Sheehan
Oxford BRC Ethics Fellow
The Ethox Centre
University of Oxford

My aim, in what follows, is to give a brief introduction to ethics and to ethical reasoning. The idea is that the kind of framework that I suggest here will be useful in understanding what you hear from speakers and in approaching your discussions in the coming weeks. It will be mostly about how we should understand the nature and structure of arguments about ethical issues (like abortion and the law on abortion). In this respect I will not be concerned with what is actually right and wrong or good and bad but with understanding the kinds of reasons and arguments that are often involved in coming to make decisions about what is right and wrong or good and bad.

What should I do?

When we consider what we should do in a certain situation we usually consider (normally quickly and automatically) what our options are – what courses of action are available to us, what each will involve and what will likely result. We also usually consider the people involved – who they are and the relationship that we have to them (sibling, child, parent, friend, passer-by and so on). We normally have a sense of what we are able to do and the things that, in very general terms, matter to us. With all of this considered we weigh-up, we judge, we consider the consequences of our various options, we consider what matters and we make a decision about what to do (about what we ought to do, about what is best). This is the stuff of ethics – how we organise all of these thoughts and bring them together to figure out what we ought to do.

A perfectly ordinary example: I have agreed to meet a friend for coffee after work but as I leave the office a junior co-worker stops to ask my advice about a task that she is finding difficult and needs to finish that night before she can leave. I don't have time to get in touch with my friend and in any case I cancelled the previous coffee meeting and was very late to the one before that. My co-worker is worried about completing this task and depends on me for advice on things like this. Stopping to provide proper help will make me very late. What should I do?

I have to decide and I want to get it right. Notice that my wanting to get it right is built into the way in which the situation confronts me. If I didn't care about getting it right (doing what is right) here, the situation would present itself differently – I wouldn't see things in the way that I have. I take the question about what I should do here to be a serious one – it is not a game or an intellectual exercise. The importance of this observation is that when we are thinking about particular ethical decisions, it looks as though seeing a situation as an ethical situation or as a difficult ethical situation affects how we see the situation.

In trying to decide I might consider each course of action, what each would mean and what might happen in each case. I would clearly consider things like promises, commitments and the expectations of others and my relationship to them. It would probably be helpful if I did this in a systematic way by taking each different consideration in turn and thinking about the relative

importance to the overall context. Finally I would need to think about the situation as a whole to weigh up or judge what ought to be done.

What should he/she do?

In all of this we can distinguish a number of different types of judgement or decision. So far we have been thinking about decisions about what I (or one individual) ought to do in a particular situation and how I might think through a decision. We have seen the range of considerations that those questions involve. But we also judge others. We make assessments about how others have acted, about whether they've acted rightly or as they should have. It is interesting to notice how the kinds of things that we consider in these cases are both similar and different to the first person case. We would still think about what the other person could have done and about what they might have thought they were doing. But when we are thinking about another person we have to piece together their thoughts and their perspective – we don't know what they were thinking or how they see the situation and we don't know the way in which the situation appears given what they care most about. We can sometimes use other things that they've said and done as clues to how they make decisions and what they care about.

This makes judgements about what others should do (or should have done) much trickier. We often can't say with certainty how a situation looks for another person because we can't always be sure of what it's like to be "in their shoes". We can say what it looks like to us and what, on the basis of what we can know, we think the right thing to do would be for us.

Suppose I stop to help my co-worker. What would my friend think? He might accept my account of the situation but still suspect that I seem to be continually putting him second, prioritising others. My friend's friend might have the same perspective – that maybe I've come to value the friendship less than I should or less than my friend does. Another of my co-workers might appreciate the work context differently and might recognise the force of the pressures of work. They might take my action to be the appropriate one because of the way in which they see the network of responsibilities at work.

Two things look particularly important when thinking about judging the actions of others. First, when we decide what we ought to do for ourselves we are pretty good at knowing what we think and value but this knowledge is much sketchier when it comes to others – we are not very good at knowing what others are thinking, feeling and experiencing, or how much they care about the things that are confronting them. This means it's much harder to confidently make a good judgement about what they ought to do or ought to have done.

Second, one way of guarding against this uncertainty is to try to think through what others would or might think. When I am making a judgement about another person's action, I might imagine myself explaining my reasoning to that person or to someone else nearby and I might imagine their respective responses. Imagining their understanding of my reasoning can help me check that the way that I have been thinking is adequate – it gives me an external check of how I see the situation.

Ethics and Law

There are other kinds of ethics questions that we might be confronted with beside the two mentioned above ('What should I do?' and 'What should he/she do?') but one which is relevant to

the context here is a more general one about the nature of policy, regulation or the law: What should the policy be? What should the law be? How we go about answering these questions is important for thinking about the relationship between ethics and the law.

As is the case with second person questions, ethics questions about policy or regulation or law involve a different set of considerations to those about individual acts. When we are confronted with a question about what our policy should be or what the law should be we need a clear sense of what the policy aims at doing and what it sets out to achieve. So we might think that an important difference about policy or law is that it must capture general principles and values as well as being applicable in the broadest range of cases. We can allow for exceptions but the principles stated in the policy will shape what is to count as an exception. Arguably policies and laws aim at being expressive to a certain extent: to express something about the nature and values of the society.

Consider the question of how we should deal with the involvement of a doctor with a patient who thinks that their life is not worth living because of pain and suffering. What should the doctor do when the patient wants the doctor to end the suffering? We can imagine cases that are horribly distressing for all concerned but there are real examples. Suppose we come up with an example where it looks like the doctor would be justified in helping the patient to end their life. We might come up with a set of cases where it is ethically permissible for a doctor to help – these might be specific cases with a definable set of characteristics or they might not. What would follow about the law in this regard? I think we can imagine cases where our ethical judgements about particular cases are favourable but we think the law should not permit them. Similarly, we might imagine cases that are unethical but which are permitted by the law. In such cases the law is serving a different purpose and is not designed to track our judgements in all cases.

Reasons and reason-giving

I want to return to the ordinariness of moral judgements – judgements about what ought to be done – to think about how we reason about what we should do and how we should act.

When we think through our own ethical decisions a good deal can go past very quickly. We are very used to weighing up things in an instant. But when we slow it all down and think about each step carefully there's a lot going on. When we do think about each step (and in some cases even when we don't) we might move between courses of action, thinking about the reasons for and against doing each of them. We give ourselves reasons and we think about which is the best, the strongest or just the right reason. The reasons that we give to ourselves are the same as the ones that we give to others when they ask us why we did what we did. Our reasons justify our decision about what is right and wrong.

How might I reason in the earlier example? On the one hand, I did promise my friend, and I haven't treated him very well of late. He is likely to be at the café on time – he's a punctual kind of person. I value our friendship very highly – it is a long standing one and has always been an important part of my life. On the other hand, my co-worker is quite stressed and does feel under pressure. She is an important member of the team and relies on my advice

to help get her over these little bumps. Her dependence on my help is not ideal but it is part of my role and I can make a difference here.

So I decide that I should stay and help my co-worker. I think this because I think that I owe her the support and encouragement that she needs here and now. Her position is uncertain – she feels vulnerable and under pressure – and these are things that I can help to manage. When I think about my friend, I am aware that he might think that I no longer value our friendship but I do think that I can explain it to him and make it up to him. I think that friendship, our friendship, is the kind of thing that is both resilient and forgiving. I think that he will understand.

What I have begun to do here is sketch out a set of reasons which justify the decision about what I ought to do. Each side is presented and worked through in some detail. Whether or not someone else agrees with my decision will depend on the extent to which they accept the reasons that I have given and how they interpret the situation. They might offer counter reasons, raise questions about the reasons that I have given or question the significance of my reasons in the overall decision.

What I have presented is the beginning of an argument for a particular course of action. This argument involves making reference to the facts of the situation, the obligations that I take myself to have to the people involved, and ethically loaded or value-laden ways of capturing the context – words like ‘vulnerable’. Notice also that an important element of the argument involves understanding the nature of friendship and what it means to be a friend.

How does reason-giving work?

When I describe to someone what I would do and why, my reasons function to justify the decision. If they didn't aim to do this, they wouldn't count as reasons. It is easy to see how this process – the process of sharing reasons – makes justifying what we do a ‘public’ activity. The standards that I have for what counts as justified (or as reasonable) come from the way in which we talk about what we ought to do with others. When I give an account of why I think I ought to stay to help my co-worker it makes a claim on those to whom I am speaking: it looks for vindication. (We can see this by noticing the difference between “I am going to this” or “I must do this” and “I ought to do this” – each way of putting it shows my attitude to my action.)

This way of making claims on others works in the case of second person judgements too. So when we make judgements and give reasons about what others should do (or have done) the reasons that we give function in the same way to make a claim on the other person. If I ask someone for advice about my sticky problem from earlier and we talk about what I should do, we engage in the same process. We give each other reasons and the conversation might go backwards and forwards getting clear about reasons, the situation itself and the consequences of various courses of action. If we arrive at a decision and an account of the reasons, we can understand this as aiming to be a justification that would satisfy others.

The significance of all of this is in relation to the point of giving reasons. When we engage in reflection and consideration about what to do, about ethics, we embark on an activity that has standards. These standards are tied up with giving reasons and what counts as having a good reason to do something. What we are looking for – when my friend and I discuss what I should do – is not

something that is just good enough for us. We are looking for an account of what I should do that will be acceptable to people who are similarly interested in finding out what ought to be done through the giving of reasons.

This does not mean that individual perspective and views are ruled out or dismissed – quite the contrary. The reasons that feature in our discussions are and must be the kinds of reasons that matter to people generally and particularly to those involved in the actual situation.

Concluding thoughts

The overall idea here is that when we are thinking about ethics we are essentially engaged in an activity which involves reason-giving. This is the kind of thing that we do routinely and often, and it is the kind of thing that academic ethicists spend their time doing too. When we give reasons we are also in the business of justifying what we do. These reasons will rely on an account of the situation, of the things that are of value within it and of possible outcomes associated with various courses of action. The reasons that we give for an action will make a claim on others to respond and they will aim at being acceptable to all people who are similarly attempting to give reasons for what they do. Aiming at the best arguments means trying to give reasons that could be acceptable to all – good reasons, a good argument can provide this justification.

Along the way I have suggested that ethics questions are largely or often driven by practical questions about what ought to be done – and that is certainly true here. I suggested that there are a number different kinds of ethics questions: we considered first person (What should I do?), second person (What should he/she do?) and policy or law questions (What should the law be?). Each of these questions are related in important ways but are quite distinct in terms of their orientation – they involve different kinds of ‘actions’: an act, a judgement and the creation of a policy.