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Title	Professional Ethics without Moral Theory : A Practical Guide for the Perplexed Non-Philosopher
Author(s)	Davis, Michael
Citation	Journal of Applied Ethics and Philosophy, 6, 1-9
Issue Date	2014-09
DOI	https://doi.org/10.14943/jaep.6.1
Doc URL	https://hdl.handle.net/2115/60183
Type	departmental bulletin paper
File Information	JAEP6_1-9.pdf

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Professional Ethics without Moral Theory

A Practical Guide for the Perplexed Non-Philosopher

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Abstract

My thesis is that *any course in professional ethics—even in a philosophy department—is, all else equal, better without moral theory than with it*. In defending this thesis, I shall return to a debate I had with Bernie Gert and Ed Harris a few years ago, itself the culmination of almost four decades of teaching professional ethics and more than two decades of teaching others to do the same. I am, I should make clear, not against moral theory (the attempt to understand morality as a reasonable undertaking). Indeed, not only do I enjoy teaching a course in moral theory every few years and publish on the subject now and then, I would agree that, *in principle*, moral theory can not only enlighten students but also be useful to them, helping them to identify moral issues they might otherwise overlook, seek information they might otherwise not think relevant, and formulate courses of action that might otherwise not occur to them. My thesis is entirely practical: *Given the time normally allotted to a course in professional ethics* (45 or so classroom hours), moral theory will never be useful enough. There is always a less-time-consuming way to do what moral theory can also do, leaving more room for other topics that a course in professional ethics should include. Moral theory is, therefore, always a waste of time in a professional-ethics course.

Key words: Ethics, Morality, Moral theory, Profession, Teaching

But at my back I always hear
Time's wingèd chariot hurrying near.

—Andrew Marvell, "To His Coy Mistress"

My thesis is that *any course in professional ethics—even in a philosophy department—is, all else equal, better without moral theory than with it*. In defending this thesis, I shall return to a debate I had with Bernie Gert and Ed Harris a few years ago, itself the culmination of almost four decades of teaching professional ethics and more than two decades of teaching others to do the same.[1]

I am, I should make clear, not against moral theory (the attempt to understand morality as a reasonable undertaking). Indeed, not only do I enjoy teaching a course in moral theory every few years and publish on the subject now and then[2], I would agree that, *in*

1 C.E. Harris, "Is Moral Theory Useful in Practical Ethics?" *Teaching Ethics* 10 (Fall 2009): 51-68; Michael Davis, "The Usefulness of Moral Theory in Practical Ethics: A Question of Comparative Cost", *Teaching Ethics* (Fall 2009): 69-78; C.E. Harris, "Response to Michael Davis: The Cost is Minimal and Worth it", *Teaching Ethics* 10 (Fall 2009): 79-86; Bernard Gert, "The Usefulness of a Comprehensive Systematic Moral Theory", *Teaching Ethics* 11 (Fall 2010): 25-38; C.E. Harris, "A Reply to Bernard Gert", *Teaching Ethics* 11 (Fall 2010): 39-50; Michael Davis, "The Usefulness of Moral Theory in Teaching Practical Ethics: A Reply to Gert and Harris", *Teaching Ethics* 11 (Fall 2010): 51-60.

2 See, for example, the following recent articles: "Imaginary Cases in Ethics: A Critique", *International Journal of*

principle, moral theory can not only enlighten students but also be useful to them, helping them to identify moral issues they might otherwise overlook, seek information they might otherwise not think relevant, and formulate courses of action that might otherwise not occur to them. My thesis is entirely practical: *Given the time normally allotted to a course in professional ethics* (45 or so classroom hours), moral theory will never be useful enough. There is always a less-time-consuming way to do what moral theory can also do, leaving more room for other topics that a course in professional ethics should include. Moral theory is, therefore, always a waste of time in a professional-ethics course. Unfortunately, before I can defend this thesis, I must clarify what I mean by "professional ethics". Confusion about what professional ethics is seems to have much to do with what makes moral theory seem something a course in professional ethics should have.

Professional Ethics

The term "professional ethics" is systematically ambiguous. On the one hand, it names a subject of philosophical (and sociological) study; on the other hand, it names the social practices that constitute the subject of that study (that is, the ways in which auditors, judges, psychotherapists, or other professionals should, and generally do, conduct themselves, work with each other, and evaluate what any of their number do). One reason non-philosophers think they must teach moral theory when they teach professional ethics is that they think the term "ethics" in "professional ethics" must refer to the philosophical study. They fail to appreciate that teaching professional ethics is (primarily at least) teaching a social practice (the art at which the profession is proficient), not merely teaching about that practice (a "science" that would leave much more room for philosophy).

There are doubtless other reasons for misunderstanding, however. One is confusion between the terms "morality" and "ethics". That confusion is not surprising. Two of the common names for moral theory in philosophy departments are "ethical theory" and "ethics".[3] Indeed, when I teach moral theory, the official name of the course is *Ethics*. So, it is important to begin any discussion of teaching professional ethics by distinguishing "ethics" (as used in the social-practice sense of "professional ethics") from both morality and moral theory. To make doing that harder, some who teach professional ethics think of their subject as just morality applied to the professions—"morality" consisting of those standards of conduct that apply to all moral agents—don't kill, keep your promises, help the needy, and so on.[4] When self-declared teachers of professional ethics describe what they teach as "integrity", "virtue", "character", or simply "the difference between right and wrong", they generally have the ethics-as-morality sense of "ethics" in mind.[5] Since academics have a predisposition for theory anyway, they find it hard to resist the slide from ethics-as-morality to ethics-as-moral-theory.

I therefore want to stress that professional ethics is not merely ethics-as-morality. Like the content of promises, the content of professional ethics consists—in large part at least—of standards otherwise absent from morality. Professional ethics includes special, morally permissible standards of conduct applying to members of a profession simply because they are members of that profession—standards that may (and often do) differ not only from ordinary morality but from profession to profession. These are the "higher standards" that professions typically claim to follow. It is in this sense of "ethics" that architecture ethics applies to architects and no one else; nursing ethics, to nurses and no one else; and so on. So, for example, it is in this sense that architects have an *ethical* obligation to "advocate sustainable building and site design" while nurses do not.[6] Among terms more or less equivalent to ethics in this special-standards sense are (depending on the discipline in question): "professionalism", "professional

Applied Philosophy 26 (Spring 2012): 1-17; and "Gert on Law and Duty", *Teaching Ethics* 14 (Fall 2013): 71-81.

3 Occasionally, among certain philosophers ("continentals"), moral theory may also go by the name "deontology" or "axiology".

4 Text writers can be quite explicit about this. See, for example, Mike W. Martin and Roland Schinzinger, *Ethics in Engineering*, 4th Ed. (McGrawHill: Boston, 2005), pp. 7-8: "The word *ethics* has several meanings. In the sense used in the title of this book, ethics is synonymous with morality."

5 For an extended critique of claiming to teach integrity, virtue, or the like, see my "What's Wrong with Character Education?" *American Journal of Education* 110 (November 2003): 32-57.

6 Compare the following codes: The American Institute of Architects, Code of Ethics and Professional Conduct (2012), http://www.aia.org/aiaucmp/groups/aia/documents/pdf/aiap074122.pdf (accessed July 29, 2013), E.S. 6.3, with American Nurses Association, Code of Ethics for Nurses (2001), http://www.nursingworld.org/MainMenuCategories/EthicsStandards/CodeofEthicsforNurses/Code-of-Ethics.pdf (accessed July 29, 2013). Of course, biomedical ethics texts tend to ignore codes of professional ethics in favor of certain "principles" (typically, beneficence, non-maleficence, justice, and respect for persons). Advocating sustainable building might then be conduct that beneficence suggests or even urges—but the essential point would remain. Advocating sustainable building would not be obligatory for nurses while it is for architects—since beneficence is not generally obligatory and there is nothing about nursing (such as its code of ethics) to make it so for nurses.

responsibility", and "responsible conduct".

If "professional ethics" is understood in this way—that is, as morally permissible standards of conduct applying to members of a profession simply because they are members of that profession—, ethics is not something to be learned from parents, childhood playmates, one's religion, or any similar source of ordinary moral learning. It is the special preserve of those who know how to practice the discipline in question or who have at least studied that practice in depth. Because this special-standards sense seems to be the one used by members of most professions when discussing their professional ethics, I shall hereafter use "ethics" exclusively in this sense (reserving "moral theory" and "morality" for the other two senses respectively).

There are at least three varieties of special standard that might be relevant to teaching professional ethics so understood: First are *organizational* standards, for example, those special standards adopted by a university, government, or business. Many professionals work in organizations that have such special standards (standards such as Toyota's Code of Conduct).[7] Second are standards of an *institution*—that is, a site, for example, a law court or research library, where individuals who belong to more than one profession or organization rely on one another while carrying out some task. Professionals often work in institutions (as well as in organizations). Physicians, scientists, and engineers may, for example, use the same computer network (even if they have different employers). Third are standards of the *profession* itself, for example, standards defining the proper way to practice actuarial science, dentistry, law, or physical therapy.[8] Strictly speaking, only the last of these standards are standards of *professional* ethics; the other two are simply standards relevant to professional decisions.

Any of these special standards may appear in a document called "a code of ethics", "standards of conduct", "professional guidelines", "statement of values", or the like. So, for example, the "ACM Code of Ethics and Professional Conduct" applies only to ACM *members*.[9] Since that code applies only to ACM members, it is (in form at least) a statement of *organizational* ethics (even though its title includes the term "professional"). In contrast, the "Code of Ethics of the Japan Society of Civil Engineers" is a true professional code; it applies to "civil engineers" as such (whether or not members of the Society).[10] Unlike these, the "Ten Commandments of Computer Ethics" is an institutional code, since it applies to anyone using a computer, whatever the organization or profession, indeed, whatever the age, education, or citizenship.[11]

In addition to such formal standards, there may be "unwritten codes"—whether unformulated but generally understood ("the hacker's code" before 1984[12]), formulated only in scattered documents (as much of professional courtesy is), or formulated only orally (as "Murphy's laws" once were).[13]

In addition to these informal standards, written or unwritten, are *interpretations*. An interpretation applies a standard to a situation that the standard only arguably covers. Since few standards can clearly cover all situations in a reasonable way, interpretation is unavoidable—or at least very desirable. A skilled accountant, engineer, psychologist, or other professional is generally more skilled at interpreting the relevant special standards than is a novice or outsider. Interpretation is also *part* of what we mean by "ethics" when we talk about teaching professional ethics.

Ethics in this special-standards sense is distinct from law, private regulation, and custom. Law, private regulation, and custom apply to people whether they want it to apply or not. That is why law, private regulation, and custom tend to rely on external reasons for obedience—punishment, supervision, taxation, positive incentives (such as salary, commission, or profit), and so on. In contrast, ethics (in our special-

7 Toyota Motor Corporation, Code of Conduct (2006), http://www.toyota-global.com/company/vision_philosophy/toyota_code_of_conduct.html (accessed August 2, 2013).

8 For those wondering what I mean by "profession", the short answer is: *a number of individuals in the same occupation voluntarily organized to earn a living by openly serving a moral ideal in a morally-permissible way beyond what law, market, morality, and public opinion would otherwise require*. For most recent defense of this answer, see my "Is Engineering a Profession Everywhere?" *Philosophia* 37 (June 2009): 211-225.

9 http://www.acm.org/about/code-of-ethics (accessed July 21, 2013). "ACM" is the common name for what is still officially the "Association of Computer Machinery", a name at once seldom used and no longer accurate.

10 http://ethics.iit.edu/ecodes/node/3253 (accessed July 21, 2013).

11 http://computerethicsinstitute.org/publications/tencommandments.html (accessed July 21, 2013).

12 Steven Levy, *Hackers: Heroes of the Computer Revolution* (Anchor Press/Doubleday: Garden City, NY, 1984), who seems to be the first to put the code in writing.

13 I have used these farfetched examples because I have no clear example of an unwritten code of *professional* ethics (properly so called). Often what might seem to some members of a profession to be an "unwritten rule" may seem to others to be an "interpretation" of a written rule. The line between unwritten rule and interpretation is certainly fuzzy in practice. The best examples of "unwritten 'professional codes'" are *not* ethical (and therefore not professional, strictly speaking), for example, "the code of silence" among police or the Cosa Nostra's *omertà*.

standards sense) consists of those morally permissible standards of conduct everyone in the relevant group—the members of the relevant organization, institution, or profession at their rational best—wants everyone else in the group to follow even if their following the standards would mean having to do the same. Everyone in the group thus has a *moral* reason to follow the standards if the group's standards are generally followed (a reason internal to the practice itself). That reason is fairness, that is, not taking unfair advantage of a voluntary practice from which one benefits (in large part at least) because other participants generally accept its burdens. There is much less need for external enforcement.

Teaching Professional Ethics (In This Third Sense of Ethics)?

Given this understanding of the subject, what objectives should teaching professional ethics have? There are at least three.

First, there is increasing ethical *sensitivity*, that is, the ability to identify ethical problems in context, for example, the ability of engineers to see a certain variation in the temperature of an oven as raising issues of safety, reliability, or waste.

Second is increasing ethical *knowledge*. Some ethical knowledge is propositional ("knowing that"), for example, knowing that one's conduct is governed by law, organizational regulation, and professional code, that double-checking certain calculations is an ordinary precaution, or that members of one's profession are supposed to know such things. But much ethical knowledge is skill, for example, knowing how to interpret a code of ethics or how to file an ethics complaint safely with the appropriate authority.

The third reasonable objective of teaching ethics is improving ethical *judgment*. By "ethical judgment", I mean the ability to design an acceptable course of action for the ethical problem identified (acceptable to competent members of the profession). Ethical judgment turns knowledge into an (appropriate) plan.[14]

Many teachers of professional ethics are tempted to add a fourth objective to this list: increasing ethical *commitment*, that is, increasing the relative frequency with which students turn ethical plans into acceptable professional conduct. While I believe, or at least hope, that teaching professional ethics can increase ethical commitment, I also believe that it is a mistake to claim to teach such commitment. We should not claim to teach what we cannot show that we have taught; we do not want to give those skeptical about teaching professional ethics a bigger target than necessary. There are at least three reasons to doubt that teachers of professional ethics can show that they have taught ethical commitment.

First, ethical commitment is easily faked in an academic setting, that is, when using ordinary forms of academic assessment (problem sets, term papers, in-class exams, lab reports, and the like). A student need only say or do what judgment says she should say or do. She may do that whatever her actual reason for saying it or doing it (that is, without the appropriate commitment). In this respect, commitment differs from sensitivity, knowledge, and judgment. It is hard to fake sensitivity, knowledge, or judgment (except by such ordinary methods of cheating as copying the answer from a better student). How (apart from cheating) is one to *seem* to see a problem if one cannot see it, to *seem* to know what one does not know, or to *seem* to develop a reasonable plan without developing one?

Second, assessing ethical commitment in an academic setting is impractical. Right now, the best tool available for assessing commitment is a survey in which students report their perceptions of their own conduct or that of those around them.[15] Such surveys seem to give a reasonably good indication of academic atmosphere but reveal little, if anything, about actual academic conduct, much less about professional conduct in years to come. Too many variables intervene.

Third, professional ethics is primarily about what students should do after graduation (that is, when practicing their profession). We would have failed if, as a result of our teaching, our students conducted themselves properly in the classroom but became scoundrels the day after graduation. Yet, we are in an even worse position to know how they are conducting themselves after graduation than while they are in the classroom. Of course, over several decades, employers may develop the sense that graduates of certain programs are more trustworthy than others. That, in fact, is an important way to assess what goes on in the classroom. Unfortunately,

14 What is sometimes called "moral imagination" is either an aspect of sensitivity or an aspect of judgment, depending on whether the term is understood as referring to the ability to appreciate the consequences of one's choice (sensitivity of a sort) or the ability to invent good alternatives to the choices with which one has been presented (part of judgment). Given its ambiguity, it is a term to avoid. For more on judgment, see my "A Plea for Judgment", *Science and Engineering Ethics* 18 (December 2012): 789-808.

15 Donald McCabe has done substantial research assessing academic environment in this way. See, for example, D. McCabe, L.K. Trevino, and K.D. Butterfield, "Honor Codes and Other Contextual Influences on Academic Integrity," *Research in Higher Education* 43 (2002): 357-378. For similar research directly related to professional ethics, see B. C. Martinson, M. S. Anderson, and R. De Vries, "Scientists' perceptions of organizational justice and self-reported misbehaviors", *Journal of Empirical Research on Human Research Ethics* 1 (2006), 51-66.

few today seem willing to wait that long to assess instruction in professional ethics. So, in practice, that slow method is not available as a way to show that teachers of professional ethics have succeeded in raising ethical commitment.

Nevertheless, teachers of professional ethics need not apologize for that inability to achieve this fourth objective in the classroom—or even in the university as a whole. Teaching professional ethics is no worse off in this respect than teaching the technical side of biology, history, mathematics, pharmacology, or any other academic subject. We can give students the technical tools to do what they should (technical sensitivity, technical knowledge, and technical judgment) but cannot guarantee that they will use those tools, much less that they will use them as they should. For example, we cannot guarantee that an engineering student who has done well in first-year chemistry will, after graduation, ever use what she learned—even on problems where using that knowledge might be helpful.[16] When it comes to likelihood of proper use, we should not hold professional ethics to a higher standard than other academic subjects.

Given that the objective of teaching professional ethics is to give students the appropriate sensitivity, knowledge, and judgment, a course in professional ethics should, it seems, include: 1) teaching students to recognize ethical problems that members of the profession typically encounter; 2) teaching students about the context in which they must address those problems (typical employer practices, the profession's organization, the profession's social functions, and so on), the special standards that members of the profession should consider when trying to develop reasonable solutions to those problems, ways to develop reasonable solutions (a decision procedure), and arguments that might be used to defend those solutions; and 3) giving students opportunities to practice judgment by explaining realistic ethics problems typical of their profession, resolving them, and defending their resolution. A course in professional ethics should, in effect, be an introduction to the practice of the profession in question.

Three Arguments for Omitting Moral Theory

Having clarified what it is to teach professional ethics, I can now defend the thesis that teaching moral theory in a course in professional ethics is a waste of time. I have three (related) arguments. The first concerns the teachers of professional ethics; the second, the students; and the third, one alternative to moral theory.

The teacher. Who might use moral theory to teach professional ethics? There seem to be only three significant possibilities: 1) qualified moral theorists; 2) philosophers, religious ethicists, or the like who have taken some moral theory courses (whether graduate or undergraduate) but cannot claim to be qualified moral theorists ("knowledgeable non-experts"); and 3) ordinary professors of astronomy, climatology, education, social work, zoology, or the like who have picked up a little moral theory along the way (generally, from independent study, teaching the course before, or from reading the text). For purposes of argument, we may assume that teachers in categories 1 and 2 will know enough to teach a few of the major theories: utilitarianism, non-utilitarian consequentialism, deontology, virtue theory, self-realization, egoism, divine command, relativism, or the like. We cannot, however, assume the same for category 3—perhaps the majority of teachers of professional ethics. So, we may begin our critique of teaching moral theory by asking why we should suppose that those in category 3 (those with little or no training in moral theory) could do an acceptable job of teaching even a few moral theories.

The only answer seems to be that the teachers in question will use a textbook that includes enough instruction in moral theory to overcome any lack of knowledge on the teacher's part. Consider then a classic text in professional ethics, one that has gone through four editions and been translated into several languages (including Japanese): the Harris, Pritchard, and Rabins text, *Engineering Ethics*. [17] The fourth edition has ten pages on moral theory—five on utilitarianism and five on what it calls "PR theory", a kind of deontology, "PR" standing for "respect for persons.[18] The discussion of utilitarianism offers three versions of that theory: cost-benefit analysis (apparently to serve as a bridge from common engineering practice to moral theory proper), act-utilitarianism, and rule-utilitarianism. The book does much the same for PR theory, distinguishing three versions: the golden-rule approach, the self-defeating approach, and the rights approach. Harris, Pritchard, and Rabins have, in other words, reduced an enormous literature to ten pages.

16 Of course, an engineer who doesn't use chemistry when he should, may soon be out of a job; but the same should be true of an engineer whose conduct on the job is obviously inconsistent with the professional ethics learned in school.

17 Since writing this, a Fifth Edition has appeared. Nothing I say here depends on the (significant) differences between the two editions.

18 Charles E. Harris, Michael S. Pritchard, and Michael J. Rabins, *Engineering Ethics: Cases and Concept, 4th Edition* (Wadsworth: Belmont, CA, 2009), 58-69.

Given the space assigned, the exposition is impressive. But much has been sacrificed. For example, there is far too little about how to measure utility if not in money (as cost-benefit analysis typically does). All the text says is "greatest good". A survey of proposed measures of the "greatest good" could easily be the work of a semester-long graduate philosophy seminar, indeed, even a survey of proposed ways to make interpersonal comparisons of utility could be. I am not condemning the text for failing to say more. I am simply pointing out how limited the exposition of moral theory is in fact—and must be if the text is to serve the objectives we identified without exceeding reasonable length for a semester course (say, about 300 pages).

Judging by space assigned (half a page to act-utilitarianism against one-and-a-half pages to rule-utilitarianism), Harris, Pritchard, and Rabins prefer rule-utilitarianism. Yet, in the form the text gives it, rule-utilitarianism is generally thought to be equivalent to act-utilitarianism. So, why bother with the distinction? The answer seems to be that the rule-utilitarianism presented is valuable as a heuristic (a tool for thinking about ethical problems) even if not valuable as an independent theory: "The rule utilitarian approach to problems brings to our attention an important distinction in moral thinking [the distinction between thinking about the solution of an individual problem and thinking about the cumulative effects of solutions like that]".[19]

I could say more concerning how limited is the text's treatment of utilitarianism—and the same for its treatment of deontology. But I will not because I have, I believe, already made my point. Whatever the typical teacher of professional ethics will learn from the short presentation of "moral theory" in a text like *Engineering Ethics*, it is not moral theory in the sense necessary to a defense of using moral theory to teach professional ethics. What a teacher will learn from such a text is something much less subtle, several rough decision rules or questions with which to approach a problem of professional ethics. A teacher who does not know much more about utilitarianism or deontology than *Engineering Ethics* tells her is in no position to teach the theory, only to teach those few rules or questions drawn from the theory.

Those teachers who, though not moral theorists, know more of moral theory than the self-taught, that is, those philosophers, religious ethicists, or the like who have taken some advanced moral theory courses, should be able to teach more moral theory than the self-taught. There are, however, at least two questions remaining about what even they can teach. One is how much moral theory the classroom allows them to teach. I will deal with that question soon. The other question I shall address now: *what reason is there to believe that such knowledgeable non-experts will do an acceptable job of teaching the moral theory they undertake to teach?*

Most moral theorists have, I think, noticed how often those who know something of moral theory but are not expert get the moral theory wrong or, at least, fail to appreciate how problematic are the common interpretations of it. Any defense of moral theory's usefulness in a professional ethics classroom seems to assume some quality control on the theory taught. But, where moral theory is taught by those not expert, there is generally *no* quality control (as there would be if, say, the course were team-taught with an ethics expert present throughout to correct the knowledgeable non-expert). Someone who begins with a respectable textbook may not stop with what is in the text, indeed, may even misunderstand the text. Given how thin explication is even in a classic text like *Engineering Ethics*, there must often be a temptation to say more when a teacher thinks he knows more (whether he in fact knows more or not). Indeed, there is also the likelihood both of overlooking qualifications the text includes without enough emphasis and making a mistake in choice of text, choosing one that itself does a poor job of presenting moral theory.[20]

The students. That is enough about the teacher. Now, what about the students? Let us take the best case: suppose that the students have a teacher like me, someone who actually understands moral theory (or, at least, has good reason to think so). How much moral theory can such a teacher teach typical students enrolled in Engineering Ethics, Medical Ethics, Responsible Conduct of Research, or another such course? That question will have a somewhat different answer depending on the amount of time the teacher is willing to assign to teaching moral theory. The Harris, Pritchard, and Rabins text suggests that the teacher assign about two classroom hours in a semester course to teach the basics of utilitarianism and PR theory [(10 pages/229 pages) x 45 hours = 1.96 hours].[21]

19 Harris, Pritchard, and Rabins, 63.

20 For some idea of how poor can be the presentation of moral theory in an otherwise respectable text in professional ethics, see Charles B. Fleddermann, *Engineering Ethics*, 2d ed. (Upper Saddle River, NJ: Pearson Education, 2004), esp. pp. 31-40 (the work of an electrical engineer who had studied under Harris).

21 This seems to be a relatively modest allocation of time to moral theory. Compare the three leading rivals of Harris, Pritchard, and Rabins (omitting index, bibliography, codes, and the like): Martin and Schinzinger, 30 pages out of 295—suggesting 4.5 classroom hours; Fleddermann, 14 pages out of 121, suggesting five classroom hours; and Ibo van de Poel and Lambèr Royakkers, *Ethics, Technology, and Engineering: An Introduction* (Chicester, UK: Wiley-

When I teach an advanced undergraduate course in moral theory, I devote at least twelve classroom hours to utilitarianism and about as long to Kantian ethics (a close relative of PR theory). That is about twelve times as much as *Engineering Ethics* suggests be allocated to the same project. Perhaps I am a bad teacher. But after so much more time trying to teach the two moral theories (to students who have volunteered to learn moral theory), my students still have only a rough grasp of the two theories. Though I would trust my life to most of those students, I would not want my life to depend on their understanding of either theory even at the end of the semester (much less on their understanding of any of the other theories covered less extensively in the course). My experience with students who take no course in moral theory but instead take Architecture Ethics, Business Ethics, Engineering Ethics, or Medical Ethics is even less happy. Most of them go blank as soon as I start to explain a moral theory. Are other experts in moral theory significantly more successful at teaching moral theory than I am?

One conclusion that might be drawn from this discussion of time constraints is that students need more moral theory, not less, say, a whole course or two before they take Architecture Ethics, Engineering Ethics, or the like. I reject that conclusion. There may be reasons to require students to take one or two courses in moral theory (enlightenment, contact with great minds, and so on). That the moral theory learned will help them with professional ethics is, however, not one of those reasons. There is no evidence that students who take even several courses in moral theory are, all else equal, better prepared for a course in professional ethics than students who have taken none (except, of course, insofar as the professional ethics course includes moral theory). [22] We should, I think, have substantial evidence that moral theory does benefit students enough in the way required before requiring them to take such a course. An academic requirement should rest on more than a well-meant belief that the course will do some good.

An alternative. The third argument against teaching moral theory in a professional ethics course is that there is at least one alternative that is clearly better. We have already noticed that what a typical text in professional ethics, *Engineering Ethics*, in fact teaches is not so much several moral theories as several rough but useful ways to think about an ethical problem. The time allotted to moral theory allows nothing more. We might then try to boil down other moral theories in the same way that *Engineering Ethics* boiled down utilitarianism and PR theory. Indeed, we might even try to boil down those two theories further (turning them into several questions, directives, or tests). What we would then have is a list of questions, directives, or tests to help students think through ethical problems. Here is such a list—one I have used (as part of a larger decision procedure) in place of moral theory when teaching Architecture Ethics, Engineering Ethics, and the like:

- ***Harm test***—does this option do less harm than any alternative?
- ***Rights test***—would this option violate anyone's right, especially a human right?
- ***Publicity test***—would I want my choice of this option *published* in the newspaper?
- ***Defensibility test***—could I *defend* my choice of this option before a Congressional committee, a committee of my peers, or my parents?
- ***Virtue test***—what would I become if I choose this option *often*?
- ***Professional test***—what might my profession's *ethics committee* say about this option?
- ***Colleague test***—what *do* my colleagues say when I describe my problem and suggest this option as my solution?
- ***Organization test***—what *does* the organization's ethics officer or legal counsel say about this?

This is neither the only list of questions possible nor necessarily the best.[23] All I claim for it is that it will serve in place of moral theory—doing pretty much *everything* moral theory is supposed to do in a professional-ethics course but more reliably and with less time devoted to teaching it. Students will generally be proficient in the use of all these tests after less than an hour of class

Blackwell, 2011), 44 pages out of 300, suggesting 6.5 classroom hours. All but Martin and Schinzinger also have a separate chapter of about equal length on ethical decision-making.

22 So far, evidence seems to be against moral theory having any significant effect on moral judgment (much less ethical judgment). See, for example, Andre Schlaefli, James R. Rest and Stephen J. Thoma, "Does Moral Education Improve Moral Judgment? A Meta-Analysis of Intervention Studies Using the Defining Issues Test", *Review of Educational Research* 55 (Autumn 1985), pp. 319-352 (which includes a comparison of humanities courses that deal with "ethical dilemmas" and humanities courses that do not). I know of no studies showing that moral theory has any positive effect on ethical decision-making beyond that almost any decision procedure has.

23 I have made a number of changes in the list over the years. See, for example, the early list in: "Developing and Using Cases to Teach Practical Ethics", *Teaching Philosophy* 20 (December 1997): 353-385.

For several other lists, see commfaculty.fullerton.edu/lester/courses/517/decision_making.doc (accessed July 21, 2013).

time. (Indeed, that hour will include introducing them to the whole decision procedure, seven steps of which the "tests" are only one.)

That these questions correspond (roughly) to several popular moral theories should, I think, be obvious to theorists. The harm test asks about the consequences of a particular act. It is, then, act-utilitarian (though silent about benefits—a good thing since that silence avoids the classic problem of trading off negative and positive consequences). The publicity test asks a question that a typical deontological theory would suggest, since what we do not want others to know is generally (but not always) something that fails to respect their agency. Something similar would be true of the defensibility and rights tests. The virtue test asks a question that both rule-utilitarianism and virtue theory suggest (do the bad consequences that flow from the practice cancel the good consequences of the act?). The last three tests (professional, colleague, and organizational) ask questions we might associate with relativist theories. Those three tests explicitly call attention to the place that special standards have in professional ethics (something most moral theories tend to obscure). For those who think care represents a distinct category of moral theory, a "care test" might be added (say, "Does this option damage any relationship I should care about?"). The same for feminist theory, natural law theory, intuitionism, particularism, or any other moral theory the teacher happens to like.

What makes these tests easier to teach than moral theory is that they are drawn directly from common sense. Students can apply them with reasonable reliability almost as soon as they have read them. They can so apply them because they have in fact already been applying them more or less (though generally using only one test to make a decision and unwisely forgetting the others). The problem with my method, if it is a problem, is that there is no simple routine for dealing with an option that passes some tests but not others—except to develop a new option that does better. I deny that that *is* a problem for at least three reasons.

First, while all moral theories aspire to completeness, none in fact achieves it. That is why most texts in professional ethics discuss two or more moral theories. The other theory or theories are to light up relevant considerations that the first obscures. None of the theories is to be treated as decisive. Thus the problem of *choosing* among "tests" is not a feature distinguishing my approach from most approaches that teach two or more moral theories as part of teaching professional ethics. Indeed, it is not a problem at all but part of a strategy by which to compensate for the (actual) incompleteness of all moral theories. The students in a professional-ethics course are supposed to use the theories as tools for learning more about the problem before them; they are not to let any theory make the decision for them. The same is true for my "tests".

A second reason that disagreement among the tests is not a problem is that, insofar as my approach differs from the moral-theory approach, mine is more likely to catch relevant considerations. After all, the moral-theory approach typically relies on two or three major theories (with variations mentioned). My approach, however implicitly, relies on at least four tests that differ in fundamental ways. Insofar as moral theories are in fact imperfect guides to conduct, my approach should be better. All else equal, four fundamentally different screens should catch more of what we want to catch than two or three.

Third, worrying about test results disagreeing may itself be the product of thinking of the tests as (nascent) theories. When theories disagree, we must choose between them (or suspend judgment). They cannot all be right. Insofar as all are moral theories, they are all competing for the same title, *The Correct Moral Theory*. Each includes the implicit claim that all other moral theories, or at least all others interestingly different, are inadequate (if not simply wrong). Thinking in terms of moral *tests* rather than moral *theories* does not carry that implicit claim. Each test can be relevant without being decisive. We are used to having more than one imperfect way to check for something (say, where to drill for oil or the best mutual fund to invest in). If all the tests that we have tried point in the same direction, we are relatively confident. If some point in one direction and some in another and we have time, we may do more tests or look for an option passing all the tests. If we lack time, we use the test results we already have, aware that we might do better if we had the time.

If (as rarely happens) a student in a professional-ethics course asks why a certain test should matter, we need not sketch the moral theory that it stands in for (though we could—perhaps after class to avoid putting other students to sleep). We may instead advise the student to take Moral Theory next semester and, in the meantime, not to use the test if she does not see the point. We might even ask her to suggest a replacement. No test is sacred. What is important is that they differ in fundamental ways and that there be enough of them.

Conclusion

When I teach a course in moral theory, I stress that the theories are *designed* to be extensionally equivalent (that is, to yield the same decisions as the others at least in cases generally considered clear)—even though they approach decisions in fundamentally different ways. Any theory not extensionally equivalent to the others will, in that respect at least, be open to counter-example, and

every counter-example makes a theory less appealing. The great moral theorists are great in part at least because they found ways for their moral theory to absorb (or otherwise disarm) many of the supposed counter-examples (and related objections). Moral theory is a sort of arms race between theorists who develop new counter-examples (or related objections) and theorists who find ways to absorb them into the theory. The theories as such, the few simple principles that constitute their opening statement, are not what interest moral theorists. The simple principles generally come from common sense, theorists contributing little more than clarity and precision. What makes moral theory interesting to theorists is the arms race. Can we find a counter-example that will shake up those who defend this or that theory? Can we absorb this or that supposed counter-example that now seems to threaten our theory? For anyone else but a moral theorist, the arms race is *un*likely to be interesting (which probably explains the blank look on so many students in a professional-ethics course when I drift into a discussion of moral theory).

What often does interest non-theorists is a moral theory when understood as a decision procedure rather than as an attempt to understand morality. What interests the non-theorist about the theory so understood is typically something striking about the decisions it seems to yield, for example, a clear decision where the usual ways of thinking about a problem do not—the very feature that, for a theorist, is a sign of trouble (that is, a feature likely to open the theory to embarrassing counter-examples). For that reason alone, I think a little moral theory, say, a classroom hour or two, indeed, even 45 classroom hours, is dangerous—dangerous because so little exposure is more likely to mislead students than to lead them to a good decision. I always worry when a student begins a response to a practical question with some such words as: "I am a utilitarian and *therefore* I would…." What I want from students instead — in a class in professional ethics, and in later life—is something more like, "All things considered, including the consequences, our purposes, what my colleagues would do, and so on, I would…." My experience is that the test approach defended here is more likely to yield that all-things-considered judgment than the moral-theory approach, however boiled down the theory. For students of professional ethics, the less said about moral theory, the better.

Acknowledgement

I presented versions of this article to: The 8th International Conference on Applied Ethics, Sapporo, Japan, November 3, 2013; and the Annual Meeting, Association for Practical and Professional Ethics, Jacksonville, Florida, February 28, 2014. I should like to thank those present—especially Shunzo Majima—for their comments.