AUSTRALIAN ETHICS

MAY, 2010

EMULATING OPPENHEIM
PRESIDENT'S REPORT BY MICHAEL SCHWARTZ

The AAPAE is extremely fortunate in having eight outstanding keynote speakers at our forthcoming annual conference at the University of Sydney. These speakers are Professor Simon Chapman, Associate Professor Ian Kerridge, Dr Simon Longstaff, Professor Ron McCallum, Professor Gael McDonald, Professor Geoff Moore, Dr Alan Saunders and Professor Peter Singer. Individually, each one of them is a major figure in his, or her, own right; and collectively they must represent the most outstanding intellectual pool available in Sydney from the 15th to the 17th of June. We cannot help but be grateful for their generosity in giving up their most valuable time and agreeing to join us at our conference.

Reflecting upon that, I remember catching a flight a few years ago from Buffalo to Chicago. The aircraft was a medium size one with two seats on each side of the centre aisle. Seated next to me, in the window seat, was an earnest young man who pointed to an elderly but distinguished-looking gentleman, wearing a crumpled, Columbo-style, fawn-coloured raincoat, seated across the aisle from me. "That's Gary Becker," he told me reverently. "*The* Gary Becker".

Becker, I knew, had won the Nobel Prize for economics in 1992. But soon this young man was pointing out others on the flight

> "Can you imagine the loss of intellectual capital if this plane crashes?"

who had won the Nobel Prize for economics, and runners up too. He explained to me that they were all on this flight as they had been attending a prestigious economics conference at a university in Buffalo. He then stared ahead, obviously deep in thought, while the plane was rocked violently by powerful headwinds. After some deliberation, he turned to me and asked plaintively, "can you imagine the loss of intellectual capital if this plane crashes?"

I knew that Becker was known for his interest in human capital but I did not think that this question related in any way to that. Although, it did occur to me, that if the plane crashed the loss of intellectual capital was perhaps not going to be *my* primary concern even if, arguably, it should have been. However, at our conference in Sydney we too will have around some very precious intellectual capital, although most fortunately on *terra firma*.

Albeit, while we will be very firmly on the fine and solid soil of New South Wales there is one other difference too. In that aircraft we were travelling from one geographic point to another. At the University of Sydney we, as an association, are returning to the very geographic point where we originally set out from. Yet, perhaps the actual geography is irrelevant. Perhaps all that is relevant is the history. Let me explain.

EMULATING OPPENHEIM (CONT'D)

One of our keynote speakers, Professor Geoff Moore from the University of Durham in the United Kingdom, is a recognised authority on Alasdair MacIntyre's philosophy. Part of MacIntyre's philosophy is that the history influences the philosophy. And sometimes it might in rather unusual and very curious ways.

One of our other keynote speakers is Professor Peter Singer. Singer is without a doubt Australia's most renowned philosopher. Indeed Singer, the Ira W. DeCamp Professor of Bioethics at Princeton University's Centre for Human Values, is one of the most renowned philosophers in the world. Paradoxically however, Singer once wrote how to some his career had taken "a surprising turn" taking a path that some relatives "could not have predicted"; although Singer writes how he later learnt that his grandfather, David

Oppenheim, also "wrote about fundamental values" and wondered if his life was "echoing that of a grandparent". Curiously enough, while it well might have echoed a grandparent it was also historically influenced by an even earlier ancestor.

Singer identifies as an ancestor Rabbi David Oppenheim (1664-1736) who was the Chief Rabbi of Prague. Rabbi David Oppenheim is remembered as both a most prolific writer and also as a bibliophile obsessed with augmenting his collection. Years after his death his collection, which consisted of cabalistic, theological, Talmudic, philosophical, mathematical and medical books, was acquired by Oxford University's Bodleian Library. That acquisition helps explain why the Bodleian library claims to hold the best collection of Hebrew and Yiddish manuscripts in the world. Furthermore, that collection and others like it are one of the reasons why Oxford is the great university which it is. And it must have been because of being the great university that it is that Peter Singer studied philosophy at Oxford. So perhaps one cannot escape one's history when pursuing philosophy.

Likewise we at the AAPAE perhaps also cannot escape our history. Our association started nearly eighteen years ago as a colloquium concerned with the teach-

ing of applied ethics. And it did so here at the University of Sydney's Women's College. One of the speakers at that colloquium was Dr Simon Longstaff who soon became the first president of the AAPAE and will be one of our keynote speakers at our forthcoming annual conference. Others who will be attending our conference were also at that colloquium. And so we are coming back after a number of years to the University of Sydney; but while we are coming back to the University of Sydney we have to create something for the future if we are to have a future.

There are different ways in which we could create something for our future. One way though would be to emulate Peter Singer's illustrious ancestor, Rabbi David Oppenheim, and to create something Oxford would desire. That is by no means beyond our reach. After all, if we contribute outstanding research wouldn't Oxford University want it? And others too?

Michael Schwartz.

> "Oppenheim's collection, which consisted of cabalistic, theological, Talmudic, philosophical, mathematical and medical books, was acquired by Oxford Universities Bodleian Library."

AJPAE Report

The Australian Journal of Professional and Applied Ethics (AJPAE) is published twice yearly by the Centre for Applied Philosophy and Public Ethics (CAPPE) at Charles Sturt University. The AJPAE is the official journal of the AAPAE, and is the place where its conference proceedings have been published. The journal publishes high quality original papers in any area of professional and applied ethics, and it enjoys a solid 'B' rank on the recent ERA rankings, favourably comparable to many reputable international journals.

However, as many readers of *Australian Ethics* would know, the journal has been irregular of late, with the 2008 and 2009 issues yet to appear. In response to this situation, substantial changes have been made over the last year to the administration of the journal. In particular, the AAPAE now plays a much more direct role in the management and editorial processes. Dr Anna Corbo Crehan has been appointed Managing Editor and she also joins the journal's Editorial Committee, alongside past editor Dr Andrew Alexandra and Professor Igor Primoratz. As a Research Fellow with CAPPE and a member of the Executive Committee for the AAPAE, Anna was the ideal person to take over the role. (Many readers would know Anna from her terrific work in organizing last year's AAPAE conference in Goulburn.) The journal's new structure also involves a Management Committee with a dedicated position for an AAPAE representative.

The new arrangement, thanks to the diligent work of all involved, is bearing fruit. Readers will be pleased to be informed that both issues of Volume 10 (2008) are at the printery. Both issues of Volume 11 (2009), including the Proceedings from last years' AAPAE conference, are also in their final stages. With the more hands-on role played by the AAPAE, and a renewed focus of attention from CAPPE, it is expected the AJPAE will continue to build on its previous successes and substantial reputation.

As well as publishing the 2010 Conference proceedings, separate submissions to the AJPAE may be made to:

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Australian Journal of Professional and Applied Ethics

Special Issue: Children's and Parents' Rights: Conflict or Coincidence?

7

volume number 2 September 2005
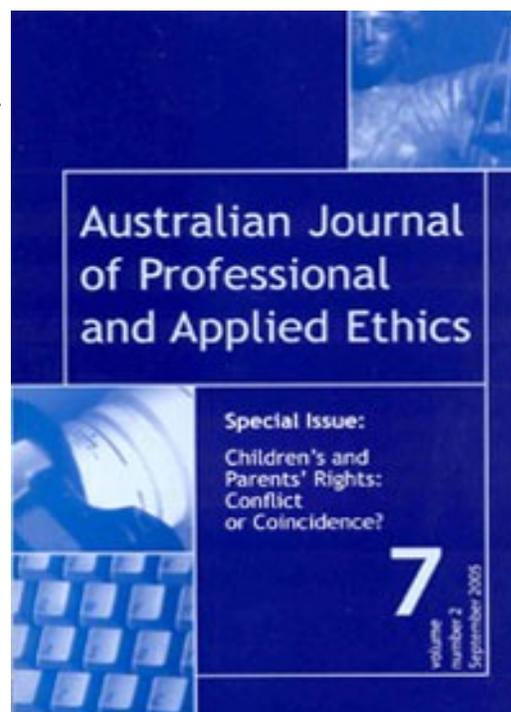
While there is always an air of expectancy at the approach of the annual AAPAE conference, with this year's world-class keynote speakers, author's sessions, and a suite of enticing workshops, the excitement surrounding the 2010 event has grown to a whole new level. We cordially invite you to...

The 17TH ANNUAL CONFERENCE 2010
ETHICS IN THE PROFESSIONAL LIFE

Past, present and future

Tuesday 15th — Thursday 17th June, 2010
Venue: The University of Sydney, Faculty of Pharmacy

Workshops

AAPAE 2010 Sydney has four scheduled workshops:
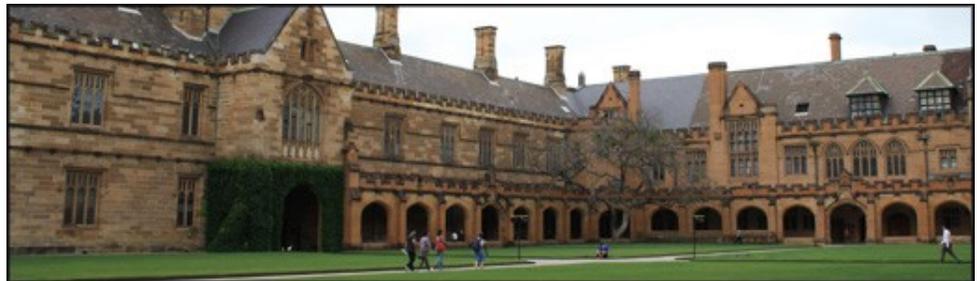
The Challenges of Human Research Ethics

> Chaired by Prof. Ian Kerridge, Prof. Paul Komesaroff and Prof. Colin Thomas.

The Challenges of Animal Research Ethics

Pharmacy Law and Ethics Workshop

And a special new addition...

The Ethical Challenges of New Technologies—Risk and Responsibility in Nanotechnology; Biotechnology and Synthetic Biology.

> Sponsored by the *Australian Government: Department of Innovation, Industry, Science & Research*. The IISR is inviting ethicists to discuss what principles are in play in dealing with new technologies, particularly nanotechnologies and biotechnologies. Participants will be invited to discuss issues of vital significance to current policy, and to participate in a thought experiment on adopting technologies.

For further details and information about the conference, including the *Draft Program*: visit

> http://www.pharm.usyd.edu.au/aapae

Authors' Sessions

Understanding Business Ethics

Pearson Prentice Hall 2009

Peter Stanwick and Sarah Stanwick

The philosophy of this textbook is to have it serve as an integration tool in the classroom to highlight the positive consequences of ethical behavior and the negative consequences of unethical behavior.

The Ten Thousand Things: A Story of the Lived Experience of the I Ching

A novel by Glenn Martin, the author of *Human Values and Ethics in the Workplace*.

Glenn tells the story of one person's journey towards leadership, bringing with him the I Ching—the ancient Chinese book of changes.

Keynote Speakers

Laureate Professor Peter Singer

World Poverty: What are our obligations?

An international figure in moral philosophy since the publication of his *Animal Liberation* in 1975, Professor Singer has taught at Oxford, Melbourne and Monash Universities, and is currently Ira W. DeCamp Professor of Bioethics at Princeton University. His books include *Practical Ethics*, *The Expanding Circle*, *How are we to live?*, *The Ethics of What We Eat*, and *The Life You Can Save*.

Professor Simon Chapman

Ethical issues arising from extending smoke-free policies outdoors.

Simon Chapman is Professor in Public Health at the University of Sydney and a staff elected Fellow of Senate. The author of countless journal articles, he has published sixteen books and major reports, including his 2007 *Public Health Advocacy and Tobacco Control: Making Smoking History*.

Associate Professor Ian Kerridge

Ian Kerridge is Director and Associate Professor in Bioethics at the Centre for Values, Ethics and the Law in Medicine at the University of Sydney and Staff Haematologist/Bone Marrow Transplant physician at Westmead Hospital, Sydney. He has published widely in ethics and medicine and is the author of over one hundred papers in peer-reviewed journals and five textbooks of ethics, most recently *Ethics and Law for the Health Professions*.

Dr Simon Longstaff

The Nanny State

Dr Simon Longstaff is a philosopher whose focus is in the field of applied ethics encompassing the wider community beyond academe. He has been Executive Director of St James Ethics Centre since 1991. Established in 1989, the Centre is an independent not-for-profit organisation which provides a non-judgemental forum for the promotion and exploration of ethics.

Professor Ron McCallum AO

Ethics of Disabilities in the Workplace

Professor Ron McCallum AO is Professor of Labour Law and former Dean of Law, University of Sydney. Professor McCallum has lectured and written widely on most aspects of labour and employment law. He was the inaugural President of the Australian Labour Law Association and is currently Chair of the United Nations Committee on the Rights of Persons with Disabilities.

Professor Gael McDonald

'Trust me I am an MBA'

Professor Gael McDonald joined Deakin in January 2009 as Dean of Faculty of Business and Law. Gael has published widely in the areas of business ethics, sport management and marketing, and recently co-authored *Postgraduate Business Research: Surviving and Thriving*.

Professor Geoff Moore

Geoff Moore is Professor of Business Ethics in the Durham University business school. He researches in corporate social responsibility and business ethics with contributions in the areas of corporate philanthropy, corporate social disclosure, stakeholder theory, corporate moral agency, modern virtue ethics, corporate social versus financial performance and Fair Trade.

Dr Alan Saunders

Towards a Philosophy of Information

Alan Saunders received his PhD from ANU History of Ideas Unit, and now works for the Science Unit of ABC Radio National. He currently the presenter of 'The Philosopher's Zone', looking at some of today's fundamental and perplexing issues, and 'By Design' a weekly review of architecture and design, gardens and food.

Professor Colin Thomson

Colin Thomson is Professor of Law at the University of Wollongong and is Academic Leader for Health Law and Ethics in the Graduate School of Medicine. He has published and spoken widely, nationally and internationally, on issues in health law and ethics. He is a joint author of Cambridge's 2010 *Good Medical Practice: professionalism, ethics and law*.

Remember! The 2010 AAPAE conference offers a registration fee for academics including one free registration for <u>one of your students</u> as a bonus to encourage younger generations to attend and contribute to this forum.

REFLECTIONS ON THE 2009 AAPAE CONFERENCE AND RESEARCH

BY JOSEPH ANGERT-QUILLER

At last year's AAPAE conference I presented a paper on the Professional Ethics of Aerosol Art. At the last minute, I altered my reading, drawing partially from the text I had prepared, but improvising some additional points as a response to my audience. This was due in part to the general professional composition of the audience itself. The AAPAE conference last year was hosted by the Department of Policing Studies at Charles Sturt University, and while I was aware of this, I was not aware that near to half of the attendants were themselves academic staff of the Policing Department. What this meant was that much of the staff present had been police officers prior to their post as teachers in the department. Once, by lunchtime I had become aware of this, I reassessed my situation. Reflecting on the content of my presentation and paper, I decided details left out ought to have been included for such an audience.

The content of my paper was originally focused on professional ethics assuming a professional aerosol artists' context – or at least a general understanding of the existence of these professional artists practicing and flourishing in their work. I felt this was not the case. Originally, I intended to talk on concrete aesthetic aspects, which inform the professional artists' practice in light of other areas in the professional fine and commercial art world. However, and while this area is valid and in need of consideration, I decided to improvise my talk and provide an account of what may appeal more greatly to the audience at hand. Therefore, I talked on the socio-political and economic qualities of professional aerosol art. This means I

took on a specifically cultural vantage, and focused on the social work and criminological side of the professional aerosol artists calling. I would like to take *this* chance to inform folks of some of the other details I had hoped to analyze.

Aerosol art is a practice aligned with graffiti, and graffiti is of course a "practice" aligned with a controversial relation between crime and art. Personally, I only practice "graffiti" as a professional artist who uses aerosol as a medium (alongside acrylic and brush), *but I do not judge harshly*, and while I wanted to speak on calligraphic overtures and public art, I ended up talking on crime prevention, "breaking the cycle" of criminal culture, and on the history of graffiti as a general topic of interest. However, what I think ought to be understood in light of the general debate surrounding so-called "graffiti" are the requirements of a series of primary heuristics in order to be able to constructively approach the "graffiti" situation. These heuristics are the concrete differences between vandalism, graffiti-vandalism, graffiti itself (etymologically "writing"), graffiti-art, aerosol art (which is the general term for legal, commissioned or volunteer community-work-based public or art education works), street art, and urban art. Many do not make these distinctions, indeed, it seems as though one may require an "insiders edge" in order to recognize them so vividly. However there are so many problems that are caused and claimed as "non-problems" when the heuristics are abandoned. "Non-problems" in this case are hasty judgements and condemnations, confusion, and claims of

malevolence on behalf of "graffitists". To overcome these, and to summarize the *actual* situation, graffiti simply is not always vandalism, as vandalism can be broken bus-stop glass. Graffiti can be vandalism when it is made illegally, but only when it is illegal *writing* on property. Indeed, the concept of property is central to considerations of graffiti-vandalism, and so is the notion of beauty as it is expounded in general aesthetic theory. Street art is the contemporary grey shade in this area. Because some illegal-art (not always writing) has been recognized to be fine art quality work, there has formed a culture of crime and art, which is endorsed by many large corporations, and which finds artists

> "The concrete differences between vandalism, graffiti-vandalism, graffiti itself, graffiti-art, aerosol art , street art, and urban art…"

who practice illegal art-making, selling similar renditions of their work and exhibiting in major national galleries. Some graffiti-vandalism is included in the general strata of street art. Graffiti-writers *who do not practice illegally* are referred to as aerosol artists, but their work is also a legalized form of graffiti-art, without the street art label tacked on

Procurators' Ethics in China: Completing the Quartet of Codes

A note on ethics in China by Roderick O'Brien

Court cases in China, such as those involving Rio Tinto executive Stern Hu, have drawn Australian attention to the various actors in the Chinese court system, including procurators. Chinese authorities have worked to improve the ethical quality of all the courts, and one way is through the development of professional Codes of Ethics. This note introduces the Code for procurators.

1. The office of Procurator in China

Procurators have become part of the legal system of communist China from the civil law system, via the model of the former USSR. Their duties are wider than those of prosecutors in common law countries such as Australia, and include:

(1) supervising the enforcement of laws according to law;

(2) making public prosecution on behalf of the State; and

(3) investigating criminal cases directly accepted by the People's Procuratorates as provided by law.

The People's Procuratorate enjoys constitutional standing equivalent to the courts, and the Supreme Procurator ranks constitutionally with the Chief Justice.

2. The profession of Procurator

In recent years, there have been attempts to improve the academic and professional quality of procurators. Training programmes have been instituted, and minimum qualifications for entry level procurators have been established. Now entry to the Procuratorate is via the Unified Judicial Examination, which covers the four professions of judge, procurator, lawyer, and notary. The most recent figures available are now some years old, but suggest that there are about 200,000 judges, 140,000 procurators, 150,000 lawyers, and 20,000 notaries. All procurators are salaried state officials: there are no private procurators.

3. The ethics of Procurators

There have been notable breaches of ethics across the four legal professions. Procurators are not exempt. Problems include corruption, for which hundreds of procuratorial staff are disciplined each year. Another problem is the use of false evidence, especially evidence gained through torture. In June 2009, Deputy Procurators-General Hu Kehui and Wang Zhenchuan were dismissed from office, without explanation. In the practice of the Central Commission for Discipline Inspection, such removal usually suggests corruption problems. Interestingly, Wang

> "Procurators have become part of the legal system of communist China from the civil law system, via the model of the former USSR."

Reflections on the 2009 conference (cont'd)

(due to its overt legal nature). So graffiti traverses art and crime, although it is classified as vandalism, it is different to straight vandalism (not many drunken louts who smash bus stop glass sell their "work" or exhibit in national galleries). Street artists are in the same boat, and urban art is the umbrella term to embody all the aforementioned. *Aerosol artists* stick to legal art making, sell works, and exhibit at the same level as street artists *as* urban artists, and all of the above work in and around public art. However, aerosol artists are also often also

found conducting workshops in cultural and community centres commissioned by government initiatives.

What is interesting about this general paradigm is the intersection of acute contexts within an already very misunderstood context itself. While I wanted to address these issues now summarized, the modifications to my paper at the AAPAE conference instead explained the socio-political and economic *history* of "graffiti art", seeing as it is this area that is most generally misunderstood. To peer more deeply into

it, one must look to the civil rights movement in the United States, one must consider the *Declaration of Independence*, the media, social movement theory and cultural change, as well as broader paradigms for investigation, such as identity, ethno-nationalism, class, gender, marginality, deviance and blame, to mention but a few of the dynamics which compose the general y gen and z gen perspective on a post-media and normative multicultural world-view. Clearly I could not fit all of this into a twenty-minute paper, but I can say in good conscience. I tried my very best.

Joseph Angert-Quiller

BOOKS

Business as a Profession? By David Ardagh

A new book, *Business as a Profession?* (Lambert Academic 2010), by David Ardagh, argues that the case for the practice of business being a profession, made by N. Bowie, the late R. Solomon, and others, is not successful. It is worth serious consideration however, and in many ways business already comes close. As Solomon argued, "professionalism" is the rule rather than the exception in business, and what he called "business scum" are parasites on the main body.

Business is now conducted within what Shaw and Barry in *Moral Issues in Business* call a "State Welfare Capitalist" (SWC) system which is in-creasingly global. Although acceptable, SWC is not without drawbacks, including some general difficulties for, and pressures on, professionals embedded within SWC organisations. These stem from the arguably unfair global trade rules, noted by Oxfam, and more recently by Pogge; from other business practices and institutions, such as use of tax havens, noted by Comisar; from the prevalence of caveat emptor presuppositions in much business dealing; and from the fact that a professional may be trained in one country of origin but thereafter work in others, for businesses with radically different needs and rules.

The underlying ethical approach presupposed is Neo-Aristotelian Virtue Ethics, of the M. Nussbaum type. By this is meant: Ethics seen as based on a "folk" Philosophical Anthropology – starting from molar human capacities end/objects, and their needs for perfecting virtues, ordered to wellbeing. Politics is seen as suspended from Ethics. A legitimate state enables its citizens to attain their wellbeing through attaining threshold levels of capacity perfection, in different ways and degrees, depending on the need being physical, social or personal; or basal, eudaimonic, or subjective (A. Walsh (1997)). All SWC organisations, practices, and institutions

Procurators' Ethics in China (cont'd)

Zhenchuan was a member of the Standing Committee of the Central Commission for Discipline Inspection.

4. The Procurators' Code of Ethics

One of the Chinese government's responses to corruption has been to provide detailed Codes of Ethics for use by legal professionals. Lengthy codes are in place for judges (2001, 50 clauses), for notaries (2002, 31 clauses) and for lawyers (2002, 49 clauses; then 2004, 190 clauses).

Until recently, procurators had a very short code, with just a few slogans, to govern their ethical conduct. In September 2009, the Supreme People's Procuratorate issued a comparatively lengthy (48 articles) *Procurators Professional Ethical Basic Standards (Provisional)*. These

professional ethics apply not only during procuratorial activities, but also to the procurators' private lives. (The current *Procurators Disciplinary Regulations (Provisional)* have been in place since 2004. These do not directly cover ethical lapses, though some of the topics for discipline were also ethical issues.)

The short older code had four headings: loyal, just, honest, and cultured. These headings are retained in the new code, but each is spelt out with

eight to ten clauses. There are no provisions for enforcement of the code, and for its application to lapses by procurators. Perhaps it is intended that breaches should be dealt with under the disciplinary regulations, though they do not mention ethics and are really concerned with other topics. The interpretation of the code belongs to the Supreme People's Procuratorate, and not to the Chinese Association of Public Prosecutors.

Roderick O'Brien

Xinhua: "China cracks down on misconduct among legal profession" http://english.peopledaily.com.cn/200702/09/eng20070209_348631.html (visited 31 December 2009)

Xinhua: "Deputy Procurator-General urges protection of suspects rights" http://news.xinhuanet.com/english/2006-11/20/content_5350883.htm (31 December 2009) and see Xie Chuanjiao: "Inspection of prisons to be intensified" http://www.chinadaily.com.cn/china/2009-03/13/content_7575427.htm (31 December 2009)

Xinhua: "China's top legislature appoints four top judiciary officials" http://news.xinhuanet.com/english/2009-06/27/content_11610249.htm (31 December 2009)

Business as a Profession? By David Ardagh (cont'd)

should be suspended from ethics, politics, and social policy. The business corporation is in part the recipient of a social concession to exist and operate within the law in return for perpetuity, limited liability, and other prerogatives, as J. Dine has argued in *The Governance of Corporate Groups*.

A quasi-personal model of organisational moral agency is introduced to guide the comparison of business practices, institutions and corporations with their professional counterparts. In the model, it is possible to locate six features of organisational activity of quasi-persons which carry over from natural persons' actions to artificial quasi-persons: there is a directing entity with a joint goal; the director-entity uses subordinate capacities/role-incumbents to do the work with the enabling help of other entities/groups; a joint ethical decision procedure is used; there is a resultant action; there are other persons or quasi-persons whose wellbeing is impacted; and the action takes place in a political/legal state context. The attributes of professionals/professions and business people/businesses can be loosely compared using this template.

The application suggests twenty attributes relevant to whether a practice and its peak institution meet the more specific, normatively nuanced, sense of profession. The main missing features in

business are lack of : required, tested, uniform, theoretic and practical competences; a uniform enforced code of ethical conduct targeted on meeting client need, with gazetted expulsion and fine for malpractice;

> "In the model, it is possible to locate six features of organisational activity of quasi-persons which carry over from natural persons' actions to artificial quasi-persons..."

and a special quasi-monopolistic grant of authority or licence to practice issued by society to practice in certain arenas. Overall, the resultant comparison suggests that the goals of both overlap but businesses are targeted on permissible wants, not just normatively warranted special needs. The latter's satisfaction has to be via specialisation and informational asymmetry, and fiduciary relationships governed by ethical codes. The role structures are different as to their directing goal. Monetary profit from transactions is more central as a directing, operating and enabling goal of businesses than professions. The decision methods and results need not be qualitatively different, but the relation to other players is different with respect to the prohibition of monopoly (prohibited for business; encouraged or permitted for profes-

sions). The reach of state law is theoretically comparable, but in practice business – especially large international business – gets away with ethical misconduct through many forms of unjust resource extraction and tax evasion to the tune of trillions. This in turn causes extreme harm to states, robbed of necessary funds for the creation of public infra-structure meeting basal needs.
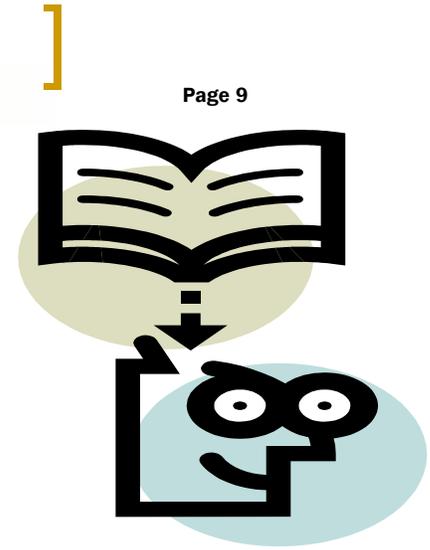
With robust changes in global governance, corporate law, and redesign of Anglo- American corporate forms, with an eye on business entities like Mondragon CC (see S. Turnbull), and the recognition of the potential of Employee Stock Option Plans (see K. Woldring), business could be democratised, brought into line at global institutional level with ethical/justice expectations, and be ethically more accountable to society. But ironically this democratising development would block further assimilation to professions, in that until professions can share their specialised expertise more widely, (e.g. with preventative health via the internet), and "putting themselves out of business," the informational asymmetry problem will remain.

David Ardagh

Book Review:
"Ethics in Practice. Moral Theory and the Professions" Andrew Alexandra and Seumas Miller, UNSW Press, 2009.

Reviewed by Peter Bowden

This is a learned, even erudite text, examining several fascinating topics – life and death, assisted reproduction, privacy, confidentiality, family care among them. But nevertheless it is a book with serious deficiencies. It is not a wide ranging book on ethics in practice, nor does it have a great deal on ethical theory, although what is there is valuable. It does have a focus on professional practice, but that focus is confined to a small number of professions. Of the thirteen chapters in the book, over half are written from the viewpoint of people working with the health or social welfare professions.

There is nothing on the ethical issues in the sciences, in engineering, in animal welfare, or in aid to the poor of this world. There is only one chapter of the multitude of ethical issues in business – and that is confined to "Corruption". There is nothing on advertising, marketing, employment practices, stakeholder theory or financial management, or on negotiation and the use of ambit claims.

That one corruption chapter also encompasses government. The all-absorbing ethical issues of recent years never surface: Andrew Wilkie and the weapons of mass destruction, the children overboard affair, the accusations

against Alan Kessing, found guilty, under penalty of two years in prison, of providing information to the media on the lack of safety at Australian airports. The fundamental moral issue of how much we are entitled to know – freedom of information - never gets a men-

> "it is not clear to this reviewer why ethical practices should be of particular concern to the professions. He has always thought that morality is a universal concern."

tion.

In any case, it is not clear to this reviewer why ethical practices should be of particular concern to the professions. He has always thought that morality is a universal concern. Alexandra and Miller, however, give two reasons for this emphasis. First, the tasks for professionals (in the authors' "narrow sense") are essentially moral – their aim is to help people make a better life. Second, the uncertainty arising in the course of a professional life requires some way of assessing the available options.

These arguments for concentrat-

ing on professionals are not convincing. The social issues in the seven chapters are of concern to all of us – whether plumbers, university lecturers, or tow truck drivers. Suicide or euthanasia, for instance (discussed from two viewpoints: from a person's right to autonomy and from that of compassion), are factors that influence all of us. Life and death are issues that are universal. This chapter concurs, incidentally, with the general public support for the right of the physician and family to withdraw life support in hopeless cases (passive euthanasia), but not to support euthanasia where an outsider actively assists. The chapter also ends with a two-way bet: "even when there are overwhelmingly good reasons to adopt laws forbidding certain kinds of action, there may still be particular cases where action of that kind is morally correct".

The approach used throughout the book is to set out up to a dozen vignettes at the beginning of each chapter, and then to analyse them. Not all are strictly ethical issues. The chapter on reproduction for instance, quotes the teachings of the Catholic Church. The authors do not appear to come down in favour of this teaching, except perhaps in the case of designer children, although their conclusion there is far from clear.

One overriding difference between this and other publications on ethics

Review: Ethics in Practice. Moral Theory and the Professions (cont'd)

is the treatment of ethical theory. The first four chapters cover ethical theories. Existing theories, in Chapters 1 and 3 are, with the exception of Bernard Gert's Common Morality, not described in any depth. Utility, from J.S. Mill's treatise, gets a page. Kant, in his universalising principle, gets even less, although he does reappear in the Life and Death chapter (9) with a later formulation of his categorical imperative – the principle of autonomy. Gert, however, gets several pages and an apparent endorsement from the authors (with small amendments). They do note, however, that no theory will deliver an unambiguous directive.

Gert is a consequentialist, setting out five basic and five indirect harms that we should avoid. Mill's utilitarianism is described as a search after happiness, although Gert, in developing his harm-based focus, does quote Mill: "A person may not need the benefit of others but he always needs that they not do him hurt." Mill in fact puts avoiding harm at the top of his list: "The moral rules which forbid mankind to hurt one another ... are more vital to human well-being than any maxims." Not harming others is also at the pinnacle of Gert's theories. Gert's ideals, which are essentially doing good, are not obligatory. The authors take exception with Gert in one respect, claiming that he ar-

gues that the ideal that we should help is obligatory only for people in special roles, for instance, that a doctor or nurse is morally obliged to give assistance at the scene of an accident. Gert in fact elevates help into a moral duty if we are the only ones there who can assist ("Common Morality" p. 50). A woman in expensive clothes is duty bound to assist a child struggling in a deep pond.

The second chapter on relativism appears oddly placed. Its conclusion that cultural relativism will not guide us to morally acceptable behaviour raises the question as to why it warrants such an early positioning. The chapter on Virtues and Vices (4) does not make the exaggerated claims of some of the proponents of Virtue Ethics; it does not even make the claim that virtue will decide for us what to do. The chapter is inconclusive, perhaps deliberately so. The last chapter in the theory section (5) explores our emotions: why we want to help, why we harm others. It is a useful reminder of the fact that the reasons why we act in an ethical or unethical way are worth some deep exploration on our part.

So what else could have been included? If we are to discuss ethical practice, even if confining ourselves to the health-related professions, we need to cover Beauchamp and Childress's principles of bio-ethics.

It is a near-obligatory text in most schools of medicine and nursing around the world. A text on ethics should also include whistleblowing. Extensive research now shows that it is the most effective way to identify and stop wrongdoing; Toni Hoffman in Bundaberg Base Hospital and Steve Bolsin at the Bristol Royal Infirmary have shown us it is a major way to strengthen ethical practices. But whistleblowing – and the multitude of problems associated with it – gets no mention. Similarly codes of ethics, a significant preoccupation of the health industry – where again research tells us ways to make them effective – do not warrant mention. Nor does a book on ethics in practice mention the near exponential increase in ethical guidelines, anti-corruption institutions, and legislation, all part of the practice of ethics.

When the second edition comes, for there is much useful material in the book, it would perhaps be best to narrow the title, to cut back on the overly ambitious claim of the book's current title.

Peter Bowden

AAPAE

AUSTRALIAN ASSOCIATION FOR PROFESSIONAL AND APPLIED ETHICS

"Making the right moves...."

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The broad purpose of the AAPAE is to encourage awareness of, and foster discussion of issues in, applied and professional ethics. It provides a meeting point for practitioners from various fields and academics with specialist expertise and welcomes everyone who wants or needs to think and talk about applied or professional ethics.

The AAPAE fosters and publishes research in applied and professional ethics as well as attempting to create connections with special interest groups. The AAPAE does not endorse any particular viewpoint, but rather aims to promote a climate in which different and differing views, concerns, and approaches can be expressed and discussed.

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