AUSTRALIAN ETHICS

DECEMBER, 2009

A TALE OF TWO CONFERENCES
PRESIDENT'S REPORT BY MICHAEL SCHWARTZ

**ETHICS:
APPLIED AND
PROFESSIONAL**

- Business
- Education
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- Teaching

INSIDE THIS ISSUE:

The Australian Association for Professional and Applied Ethics Sixteenth Annual Conference was hosted by the School of Policing Studies, Charles Sturt University in Goulburn from 9th — 11th June 2009 with the conference theme *Professions in the Community*. The AAPAE is indebted to Anna Corbo Crehan who convened the conference. Anna did a wonderful job and provided our association with an excellent conference.

Anna organized an impressive range of keynote speakers. These included Lyn Allison: a past leader of the Australian Democrats, John Pritchard: the *Police Integrity Commissioner*, Professor Colin Thomson: the *Chair of the Australian Health Ethics Committee*, Professor Gillian Cowlishaw, whose work examined the relationships between Indigenous and settler Australians, Dr Brian Steels, who is a Research Fellow at the *Restorative Justice Research Unit at the Centre for Social and Community Research*, Murdoch University, and Stephen Keim, who was the barrister for Dr. Mohamed Haneef. These keynote speakers along with the accompanying Plenary Sessions and other Conference Delegates' Papers made for an excellent conference. However it is not my aim to offer a conference report. What I would like to do is to consider our conference alongside another applied ethics conference, and in doing so to attempt to say something about the AAPAE.

At just about the same time that my paper was accepted by our conference I had another paper accepted by the European Business Ethics Network Annual Research Conference which was hosted by the School of Management, Ben-Gurion University of the Negev in Beer-Sheva, Israel from 15th – 17th June 2009. I had never been to Beer-Sheva before but I did have some perceptions as to what it might be like. I had never been to Goulburn either. I had a whole lot of perceptions as to it mainly informed by the ongoing marketing of produce from the Goulburn valley. Yet, whilst I had perceptions galore, time seemed a problem: a few days after the end of our conference I would have to be at another on the other side of the planet; and shortly after that I was scheduled to lecture on our Singapore program. I contacted David our travel manager.

"The similarities overwhelmed any differences."

A TALE OF TWO CONFERENCES (CONT'D)

David is an unusual individual. He is extremely well read. Unlike many academic staff & students he regularly uses our University library. I should therefore not have been surprised at his rejoinder when I explained my travel plans to him. He informed me with some relish that the last Australians to seek transportation from Goulburn to Beer-Sheva were the Australian Light Horse along with their mounts in 1917. . . and proceeded to help make the travel arrangements.

It is of some interest to compare that EBEN conference with our conference. Both had logistic similarities. To get to Goulburn you flew to Canberra or Sydney and proceeded from there. To get to Beer-Sheva you flew to Tel Aviv and took the train to Beer-Sheva which is further south in the Negev desert, and not difficult to find, as that is where the train line ends.

At our conference Mr Alfie Walker of the Pejar Land Council performed the welcome to country, thanked the original owners, and spoke of some of them. At the EBEN conference, where the conference language was English, the theme was 'Conflicts in The World of Business Ethics'. Yotam Lurie, in opening the conference, referred to the book of Genesis and the earlier residents of the city of Beer-Sheva, Abraham and Abimelech, and how they resolved their conflict over the available water. I was surprised to discover that Beer-Sheva is a far older city than Jerusalem. I was also intrigued to hear the Australian author David Malouf, in an interview on ABC radio on the 25th of September 2009, claim that cities created civilization as they forced strangers – such as Abraham and Abimelech initially were – to exist together as neighbours.

Most of the participants at our AAPAE conference were Australians. The EBEN conference was dominated by the Europeans. I have never visited Europe and had never encountered them *en masse* before. I spent a lot of time enviously admiring the most elegant attire of the men, particularly those from Italy, Spain and Portugal. Back in Goulburn I had felt comfortable: alongside them I felt shabby.

The EBEN conference was a larger conference than our conference, but not much larger. It did though allow EBEN to offer three simultaneous sessions where we only offered two. Nearly all of the papers at our AAPAE conference were secular. At the EBEN conference papers on topics such as Islamic banking, Jewish law and whistleblowing, and corporate perspectives from Thomas Aquinas' *Summa Theologiae* were not uncommon.

> "The last Australians to seek transportation from Goulburn to Beer-Sheva were the Australian Light Horse along with their mounts in 1917…"

A TALE OF TWO CONFERENCES (CONT'D)

Goulburn is a small town by Australian standards. Beer-Sheva is one of Israel's biggest cities. But with Israel being such a very small place Beer-Sheva's population is not much larger than the suburb I live in. And in both Goulburn and Beer-Sheva welcoming functions were arranged by the respective mayors. Indeed, what struck me about these conferences was not the differences which were superficial but the similarities. When I was sitting in a conference session listening to a paper being delivered, or between sessions drinking coffee with other conference delegates, I could have been at either conference. The similarities overwhelmed any differences: at both places people interested in applied ethics had gathered together to address this topic. And at both places the discussions were of a very similar standard. As Australians we tend to knock ourselves. We highlight what could have

been done better. But in benchmarking our conference against that EBEN conference we have little reason to be critical of ourselves. The EBEN organizers believed they had organized an excellent conference. They had. And so had we.

It would be remiss of me not to mention one other thing. I attended both conferences to further my understanding of applied ethics which I did. But at both conferences part of that understanding was provided not by what happened at the conference itself, but by what happened in going to the actual conferences. To get to Goulburn I had to drive past Lake George. Lake George is 25 kilometres long and 10 kilometres wide. It is also bone-dry. It has been for years now. It is very hard to stare at it, to think of everything that must have been associated

with the lake when it was a lake, and not to start thinking about environmental ethics. To get to Ben-Gurion University of the Negev you walk through Beer-Sheva. It is an interesting city, but it is not a pretty place. It is dominated by drab, concrete apartment blocks built as public housing projects in the early 1950s to house refugees from North Africa. It is a desert town. There is a lot of space and the streets are very wide. There is little vegetation. It is very hard to walk along those streets while staring at those ugly concrete buildings and not to think of the aesthetic dimensions in creating communities. Both of these areas fall within the preserve of applied ethics, and in both there is much work to be done.

Michael Schwartz.

MARK YOUR DIARIES!

It is with great pleasure that the organising committee of the AAPAE conference cordially invites you, our valued reader, to mark your diary for this upcoming event:

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

Whether you are interested in moral philosophy, political philosophy, bioethics, teaching ethics to professionals or leadership workshops, this is the conference to attend – there will be something valuable for everyone. It is promising to be a conference catering for many diverse interests and disciplines.

In addition to sharing and attending presentations by our learned colleagues in the field and their students, this conference will also offer the opportunity to listen to some great keynote speakers. The renowned Professor Ron McCallum will be talking to us about the ethics of disabilities in the workplace; and Dr Simon Longstaff will tackle the contemporary debate about "The Nanny State" and the imposition of further com-

pulsory taxes on tobacco, to name but a few of the interesting topics we will be discussing.

One of the fundamental aims of the AAPAE is to create a forum for representatives of the professions across Australia to meet and discuss ethical issues pertinent to their practice. It is about applied and professional ethics. The AAPAE is therefore particularly pleased that this year's conference is being hosted by a professional faculty. And it is a challenge we at the Faculty of Pharmacy, the University of Sydney have embraced with warmth and enthusiasm.

For the first time, the Faculty of Pharmacy at the University of Sydney will host a non-science

based conference, much to the delight of all involved. This is to us a great initiative, so please do come and join us explore new avenues of collaboration and sharing. We want to open new channels of research, academic endeavour and pursuit of ethical standards in all professions. The hosting of the annual AAPAE conference by

The conference will showcase plenary and open discussion forums, panel discussions, formal paper presentation sessions, and workshops .

Keynote Speakers include:

Professor Ron McCallum
Ethics of Disabilities in the Workplace.
Dr Simon Longstaff
The Nanny State

For further details and information about the conference, including the call for papers: visit

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

AAPAE CONFERENCE 2010 (CONT'D)

Pharmacy is just an example of how the Association has branched out to embrace professions of all disciplines.

Situated on the beautiful campus of the University of Sydney, the Faculty of Pharmacy offers a great venue, combining the old with the new, the science with the philosophy and the convenience of close transport in the bustling CBD of Sydney.

We encourage all researchers in professional ethics in all walks of life and anyone inter-ested to submit a paper for all to share or simply join us for the many activities planned. This conference will showcase plenary and open discussion forums, panel discussions, formal paper presentation sessions, and workshops in many diverse topics. It will be varied, fast moving and thought provoking. There will be streams dedicated to specific themes such as political philosophy and bioethics. Innovative workshops have been created specifically for this conference introducing new approaches to teaching ethics and leadership skills.

Not only do we welcome all newcomers and encourage papers and research endeavours to be presented but we also provide a stepping stone to publication in the AJPAE if you wish to pursue peer reviewed publication with the formal journal of the AAPAE. Presenting at the conference provides you with real time feedback and critique of the work presented which can then shape a better submission for the peer review to take place.

So, mark those diaries and watch this space!!

Important Note: This conference offers a registration fee for academics that will include <u>one free registration</u> for one of your students as a bonus to encourage younger generations to attend and contribute to this forum.

The registration will also include one admission to the conference dinner, which we anticipate to be a fun get-together in the relaxed environment of the Grand Stands at the University of Sydney.

Best regards,

From the organising committee of the 17th Annual Conference of the AAPAE

Dr Betty Chaar [Chair] - The University of Sydney, Faculty of Pharmacy

Prof Belinda Bennett - The University of Sydney, Centre for Health Governance, Law & Ethics

Prof Ian Kerridge – The University of Sydney, Centre for Values, Ethics & the Law in Medicine

Prof Stephen Cohen – The University of NSW, School of History and Philosophy

Prof Tom Campbell – Australian National University, Centre for Applied Philosophy and Public Ethics

Jolyon Sykes — Faculty of Communication and International Relations University of Canberra

MEMBERS' RESEARCH AND PUBLICATIONS

RESEARCH:

Executive committee member Jolyon Sykes is working as Research Associate on a two-year ARC Linkage Project, Vulnerability in the Australian News Media. It's a professional ethics project, investigating the print news media's and journalists' representation of people and groups that could be regarded as vulnerable, either because of their ongoing circumstances or their particular issues.

The investigators are Kerry Green (University of South Australia), Steve Tanner (University of Wollongong), Michael Meadows (University of Queensland), Mark Pearson (Bond University), Angela Romano (Queensland University of Technology), Jaelea Skehan (Hunter Institute of Mental Health) and Cait McMahon (Dart Centre for Journalism and Trauma Australasia). The project is in its initial stage, draft-

ing the ethics approval application and fine-tuning the methodology.

Jolyon is also looking at the Walkley awards for journalists, which were first established by the Australian Journalists' Association in 1956. The project, under John Cokley (University of Queensland), is looking for common themes in the winners of the print news and feature categories.

RECENT PUBLICATIONS

Bowden, Peter, "Ethics, Good Governance and Whistleblowing" in *Corporate Governance,* Suzanne Young (ed.) 2009 (Tilde University Press: Melbourne)

Breakey, Hugh, "Without Consent: Principles of Justified Acquisition and Duty-Imposing Powers," *The Philosophical Quarterly* 59, no. 237 (2009): 618-40.

Breakey, Hugh, "Liberalism and Intellectual Property Rights," *Politics, Philosophy and Economics* 8, no. 3 (2009): 329-49.

Chaar, B., Brien, J., Krass, I., "Professional ethics in pharmacy practice: developing a psychometric measure of moral reasoning," *Pharmacy World & Science* 31, No. 4 (2009).

Chaar,B., Penm, J., "Professional Transgressions by Australian Pharmacists" *Journal of Pharmacy Practice Research* 39, No. 3 (2009): 192.

Chaar,B., Kwong,K. "Direct-to-Consumer Advertising: Australian Pharmacists' Experiences with Non-Prescription Medicines" *International Journal of Pharmacy Practice* in print [Ref. Ms. No. IJP-D-08-00111R2]

Schwartz, Michael, "Gibbs and the problems of satisfaction and well-being," in Business *Ethics: A European Review* 18, no. 4 (2009).

Schwartz, Michael, and Spong, Heath, "Subjectivist Economics and Ethical Business," *Journal of Business Ethics* 90, no. 1 (2009)

PLEASE NOTE:

Conference Proceedings: the Australian Association of Professional and Applied Ethics, from the 2009 AAPAE Conference is in press.

Recent publications of members may be listed in 'Australian Ethics'. All members are invited to send details of their recent (2009) publications to the editor: h.breakey@uq.edu.au.

The purpose is to make current research in applied and professional ethics accessible and to raise awareness of the particular research specializations of members.

WHISTLEBLOWING: THE ETHICAL PRIORITY
PETER BOWDEN

There have been an increasing number of research studies that have informed us that whistleblowing is the most effective way to identify wrongdoing in our organisations.

The most impressive is a recent study of whistleblowing in the Australian public sector. This research comprised eight surveys across the public service, the largest of which sent out 23,177 questionnaires to public servants in 118 agencies. 7663 public servants responded. The research was organised by fourteen state and the federal government ombudsman and anti-corruption agencies, along with five universities. The evidence that whistleblowing is the most effective approach to identifying wrongdoing came from the surveys sent to managers and ethics case handlers. Some 765 respondents rated reporting of wrongdoing by employees as more effective than any other method for identifying wrongdoing, including routine internal controls, audits, or even management observation.

Surveys on fraud in the private sector conducted by the big accounting companies confirm that whistleblowing is the most effective way to stop wrongdoing. For instance, Price Waterhouse Cooper's 2007 survey on economic crime, based on interviews in over 5,400 companies located in 40 countries found that whistleblowers reported 43% of fraud identified in companies. Professional auditors were able to detect only 19%. A 2006 survey by KPMG found that 46% of fraud is reported by employees rather than by internal controls and audits.

Researchers at the Chicago Graduate School of Business and the Universities of Toronto and Michigan have drawn up a "top ten" of the most active fraud detectors.

The study analysed 230 cases of alleged corporate fraud in U.S companies between 1996 and 2004. Topping the list of fraud detectors were employees, followed by the media, then non-financial market regulators, analysts, auditors, strategic players, the Securities and Exchange Commission (in the U.S), shareholders, professional service firms and, lastly, short sellers.

> "whistleblowing is the most effective way to identify and to stop wrongdoing."

The willingness of people to report fraud does not necessarily tell us that wrongdoing by the organisation itself, if reported, will be acted on, But it does tell us that there are people in organisations willing to speak out. Such a conclusion is readily acceptable, not only from the above empirical evidence but also from

WHISTLEBLOWING: THE ETHICAL PRIORITY (CONT'D)

research that has found that most of us value working for ethical organisations. Delany and Sockell found in a 1992 survey of over 1000 respondents that people whose employers provide formal ethical training have positive perceptions of their company's ethical position, as well as higher job satisfaction. Valentine and Fleischman's 2004 survey of over 300 business professionals obtained similar results. Such a preference would encourage people to speak out. Many reasons can explain why people do reveal wrongdoing. No doubt one of them is that they believe that they will be fairly treated by an organisation with a reputation for ethical management. Another however, could be the assertion, which has some basis in empirical research, that we are naturally ethical.

The proposition that that we are intrinsically cooperative, and to some extent altruistic receives extensive support in recent evolutionary psychol-

ogy literature. Even Darwin argued that our evolutionary history will have built into us a series of ethical values - that we are social animals, developing feelings of sympathy, obedience to a leader, faithfulness to the group, defending and aiding other members. All of which he argues would support the group in its competition for food and even survival.

To translate these findings into teaching content would be worthwhile, but still insufficient. For whistleblowers do suffer. "They pay a terrible price" says Alford (2001). He tells us:

"The average length of time between blowing the whistle and being fired was about two years. Little of this time was taken up with appeals. Rather, most… was spent waiting for time to pass until management could adequately disconnect the act of whistleblowing from the act of retaliation."

There are many studies which confirm the widely held opinion that whistleblowers experience a strong retaliation from their employing organisation. And from fellow employees. If we are to teach strengthening of ethical practices then we must inform students how to avoid the retaliation. And that requires us at minimum, to know and teach the legislation that is supposed to protect whistleblowers.

It is legislation with erratic coverage, however, and even where it exists, only partially effective in both the private and public sectors. That also has been proven. One major piece of evidence is that Australia is the only industrialised country with no legislative protection for its national civil servants. There is whistleblowing legislation in every state in Australia.

> "To translate these findings into teaching content would be worthwhile, but still insufficient. For whistleblowers do suffer."

WHISTLEBLOWING: THE ETHICAL PRIORITY (CONT'D)

None of it is rated as very effective, being for the most part legislation designed to give the political appearance that action is being taken, but lacking the administrative machinery to ensure that action takes place. Politicians do not like whistleblowers, for they expose issues on which the public expect a political response. NSW, which possibly has a greater need than any other state, is currently entertaining a Parliamentary proposal to scale back its existing (ineffective) legislation.

If we are to encourage undergraduates in our colleges and universities, or employees in the work place, to blow the whistle,

then it is incumbent on us to teach them how to protect themselves.

One obvious consequence

> If we are to encourage undergraduates in our colleges and universities, or employees in the work place, to blow the whistle, then it is incumbent on us to teach them how to protect themselves.

of the failure to assign administrative responsibility is that reporting a wrong by a whistleblower does not necessarily ensure that it is corrected. And this turns out to be a further complication of the whistleblowing course. It also becomes a decision on the part of the teacher or trainer in ethics on whether the defects in the legislation are pointed out to students as one way to build a consensus aimed at strengthening the legislation. In a recent article Laurie Oaks

noted that not only are whistleblowers treated as savagely as they ever were but that the general public do not appear to care. It could be well argued that if whistleblowing is the most effective way of identifying wrongs, and has the potential to reduce the extent of unethical behaviour, then the need for reform of the legislation is a near obligatory component of an ethics course.

In any case, regardless of the validity or otherwise of these underlying questions the statement that whistleblowing is the most effective way to identify wrongdoing is sufficiently well proven to suggest that the practice would rate a high order of priority in the teaching of any ethics course.

Peter Bowden,

University of Sydney
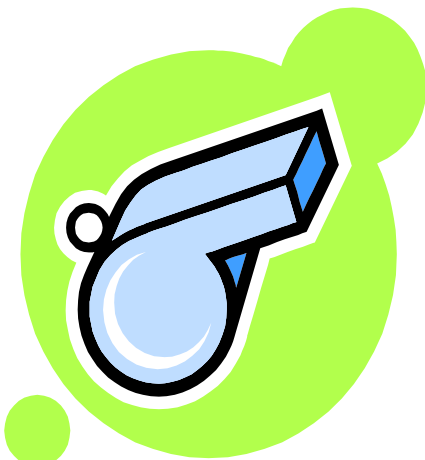
BOOKS

The Four E's: Ethics, Engineering, Economics & Environment by John Buckeridge
Review by Jeffrey Chapman

The *4 E's* introduces engineering students to basic moral concepts and to the idea of a professional ethic. It has a clear, concrete focus and will be useful in helping scientists and engineers to be mindful of the role that values play in making professional judgements and to recognise and manage value conflicts that may arise in professional life.

The book begins by noting difficulties in defining morality and then offers a formal definition (that is, "the evaluation of the rights and wrongs of human conduct"). John links morality to professional ethics and sees professional ethics as a set of rules or a code aimed at regulating professional conduct.

Morality is further characterised as an intellectual framework that permits us to decide which alternative is better. Morals are said to be related to values, of which utility is only one. The activity of moral evaluation is linked to one's world view, defined as an overarching synergy of culture and education. While moral values are related to social values, they are not reduced to such.

There is an interesting section on the identification and management of moral conflict, with an emphasis

> "practical, real world examples of value conflict arise between development and environmental damage, or with engineering works that might threaten an endangered species"

on the role of codes of ethics, and the importance, in applied ethics, of correctly identifying facts; for facts take on moral relevance.

There follows a brief exposition of the main ethical theories, virtue theory (Aristotle), utilitarianism (Mill), and deontological theory (Kant) followed by some basic criticisms of these views.

While it might sound too theoretical so far, in fact, each unit of theory introduced in the text is followed by practical, real world examples, that draw attention to some element of

value conflict, eg between development and potential or actual environmental damage, or engineering works that might threaten an endangered species and the like. Following these examples are a series of questions to prompt discussion and reflection in developing one's own view of the issues: the practical imperative in this book is never absent.

The traditional triple bottom line evaluation of proposals is Economic, Social & Environmental. John has modified this to include the social within in the ethical dimension and under
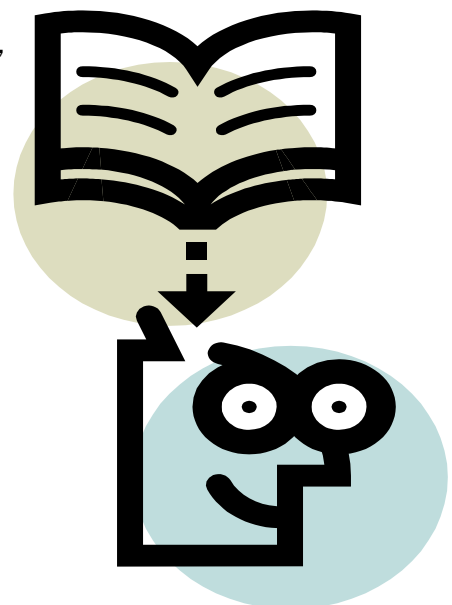
Review: The Four E's: Ethics, Engineering, Economics & Environment by John Buckeridge (con't)

"economic" is a requirement that funds be set aside for potential use in remediation. He augments these 3 E's with that of Engineering, whose own imperatives include that of professional competence.

The last chapters are replete with practical examples of issues involving rights, resource use and equity that can then be assessed in light of the 4 E's including that of different moral perspectives.

The theoretical material could be expanded upon, as could the section on the nature of moral disagreement, though I guess, in that case, it would not be an introductory book on practical ethics for scientists but be in danger of becoming a philosophy text on the nature of moral evaluation!! – so much for my bias.

Reviewed by Jeffrey Chapman.

John is Professor of Natural Resources Engineering at the Royal Melbourne Institute of Technology University and is Honorary Professor at Wismar, University of Technology Business and Design in Germany.

He is President of the International Union of Biological Sciences and chairs their bioethics committee. In addition, he is President of the International Society of Zoological Sciences and a Councillor of the Royal Society of Victoria.

Book nominated for UNESCO Prize

The book by Australian educationist Dr James Page, *Peace Education: Exploring Ethical and Philosophical Foundations,* published by Information Age Publishing, was recently nominated by the Geneva-based Women's International League for Peace and Freedom (WILPF) as a major work for the prestigious UNESCO *Mandanjeet Singh Prize for the Promotion of Toler-*ance and Non-violence.

The book seeks to examine a possible ethical rationale for peace education. The Director-General of UNESCO, Koichiro Matsuura, writes in the Foreword that the book constitutes "an important addition to the emerging literature on peace education and the culture of peace ...".

'Peace Education: Exploring Ethical and Philosophical Foundations'

Dr James Page.

Further information: http://www.infoagepub.com/products/peace-education

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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