AUSTRALIAN ETHICS

MAY 2014

PRESIDENT'S REPORT

'OF ARGUMENT AND ETHICS'

Hugh Breakey

ETHICS: APPLIED AND PROFESSIONAL

- Business
- Education
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- Environment
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- Social Work
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One of the most refreshing things about the AAPAE, in my view, is the way it brings together moral philosophers and reflective practitioners, allowing the work of each to enrich the other's understanding. The pages of *Australian Ethics* in recent years explore this intriguing relationship between philosophical ethics and real-world morals, for example in the exchanges between Peter Bowden and myself in the December 2012 Issue.

This issue continues this exploration. In what follows, Alan Tapper and Stephan Millett question whether moral philosophy has really helped our understanding of professional ethics. It is an important contribution, and one I think that every member of the AAPAE will enjoy reflecting on.

Here, I want to consider a different way philosophy and ethics might intertwine, namely in the common ground between norms of argument and norms of ethics. The thought is this: Arguing well, in the philosophical sense, involves taking seriously what people say—and taking seriously what people say is one way of treating them with respect. As such, teaching people to argue well, and to do so naturally and instinctively, helps them act morally.

I first started to really consider this issue when I recently found myself mired in the Comments section of an online website. In my case, it was the academic-journalist website, *The Conversation*, but I think what I say will resonate with anyone who has waded into the to-and-fro of dialogue on just about any online discussion-board or comments section, or even on Facebook or Twitter, at least when the debate touches on moral and political views. If anything, we might suspect discussion on websites like *The Conversation* to be of a relatively high standard. Not only are the articles there written by academics, and so usually well-informed and bolstered with evidence, moderators patrol the comments section, and (to stymie anonymous trolling) everyone must use their real names.

Yet even with such measures in place, the standard of argument leaves much to be desired. I'm not speaking here of 'trolls', who just leave nasty comments to upset their victims, but rather about many ordinary people who (it seems to me) genuinely want to contribute to a discussion but succeed only in diminishing or even destroying it.

In my experience, once responders ascertain that a contribution (either the original article, or an earlier comment) maintains a position opposing their own moral or political view, they will typically engage one or more of the following four modes of response (let's call the contribution they are responding to 'X').

OF ARGUMENT AND ETHICS (CONT'D)

Responders will routinely:

> Interpret X in the most extreme and unqualified way possible.

> Demand that implementing X would inevitably wind up creating a morally catastrophic situation, and that the author of X either endorses this outcome or callously fails to acknowledge its inevitability.

> Demand that the assertion of X must be driven by the most extreme and unpalatable moral principle imaginable.

> Demand that someone could only hold that moral principle if they were utterly evil, irrational, ignorant or ideologically duped.

Sometimes, opening with innocent-seeming phrases like 'So basically you're saying that…', a single comment can manage to work its way through all four modes of response. Such tactics, in my experience, are not limited to one side or another of the political divide. Both progressive and conservative, left and right, employ them lavishly. The prevalence of these modes of response helps explain the oft-invoked Godwin's Law: "As an online discussion grows longer, the probability of a comparison involving Nazis or Hitler approaches 1." Response 1 can do this by implying X resembles some position or policy executed by the Nazis. Response 2 says

implementing X would lead to Nazism; Response 3 says X's underlying principle accords with Nazism, while Response 4 says that the reasons for accepting X's underlying principle would be endorsed by Nazis.

> "These failures of philosophical standards fail to respect others with opposing views, and they contribute to an unhealthy political environment."

The more philosophical readers may have immediately recognized various sorts of informal logic fallacies (slippery slope, ad hominem) in the modes of response listed above, but I think the root cause of them all is the 'straw-person' fallacy; namely, caricaturing an opponent's position by interpreting what they have said, and their reasons for saying it, in the most uncharitable way possible. The straw-person fallacy works by avoiding the actual argument that has been presented, and in its place erecting a quite new argument (the 'straw-person' or 'straw-man') that is easy to defeat. Constructing a straw-person represents an improper maneuver according to the standards of philosophical argument because it is a *non sequitur*. Rather than responding to the argu-

ment at hand, it responds to some other argument entirely. On a logical level, the straw-person-response at best proves irrelevant to the issue at hand. More usually however, it serves to distract attention away from the actual position someone has proposed, and makes it appear that the defeat of the caricatured argument represents a defeat of the proposed position itself.

So much establishes, I hope, that these four modes of response fail logically and philosophically. But are they also a moral failing? And even if they are, does this sort of moral failure really matter? I think the prevalence of such responses does matter: they fail to respect others with opposing views and they contribute to an unhealthy political environment.

First, these responses inflict an immediate harm. The original author who has been dealt with in this way normally either flees the discussion or retaliates angrily. Even if they respond constructively, trying to clarify their position, a second wave of the same straw-person-ing responses typically drives them into frustration. The four responses demean them, precluding the possibility that the author is a reasonable and reflective person who could make a contribution to the dialogue. As a result, the author retreats, wounded and insulted.

Such responses also undermine the potential of these domains to play a genuine role in the partici-

OF ARGUMENT AND ETHICS (CONT'D)

patory side of democracy—in people being exposed to and engaging with other citizens who hold opposing views. Potentially, this could impact upon people's judgments about political legitimacy. In a democracy, legitimacy hinges on accepting that we have reason to comply with democratically chosen policies and laws (except in extreme cases), even if we morally oppose them, voted against them and plan to vote against them in the future. The more we view our fellow citizens as reasonable people holding morally defensible views, the more we will tend to apprehend democratic processes and legislation as legitimate, even if we remain personally opposed to any given result.

(Of course, it might turn out one's political opponents really are morally beyond the pale. It may turn out that their reasons for advancing some policy actually are intolerant, racist or totalitarian. But this judgment can only happen at the end of the discussion, not the beginning.)

If rampant straw-person-ing yields these morally worrisome impacts, then why do so many responders engage in it? And why do those who share their political allegiance invariably seem to endorse these tactics? Do the responders think they actually have a chance of changing the original author's mind by using these tactics? Surely not. If one wants to persuade someone

of the errors of their view, then the necessary first step must be to engage with the author's actual views, and not some other views.

I confess I do not know why the practice riddles online commentary. I could darkly speculate that

> "It takes effort, patience, concentration and empathy to understand what a person is really saying, as distinct from what we presume they are likely to say."

the responders draw on these tactics unconsciously in order to cement a pleasing worldview where their opponents are obviously wrong and immoral. This makes for a neat world where they can wallow in self-righteous outrage at anyone who opposes them. But this is mere speculation on my part (and probably involves my own collapse into Response 4 above).

One other possibility, though, is that responders respond in these ways because they have never learned any other way. After all, we are not born knowing the norms of philosophical argument. It takes effort, patience, concentration and empathy to understand what a person is really saying, as distinct from what we presume they are probably saying. Such virtues can be dif-

ficult to muster when a person opposes our views, and the instinctual reaction is to defend ourselves.

If that is right, it underscores why teaching philosophy (especially in 'critical reasoning' and 'informal logic' courses and elements of courses) possesses real ethical value. In teaching the norms of argument in schools and universities, we provide learners with tools and instincts that allow them to do something that is notoriously difficult to do: to genuinely listen to what people from other perspectives say, and to understand their reasons for saying it. True, giving people the tools to act rightly does not guarantee they will be motivated to do so, but it does at least open the possibility of their doing so. And sometimes being empowered to act in a particular way, to live up to a particular standard (in this case of philosophical excellence), actually does count as a reason for behaving in that way.

And as Gibbs argued in his 2010 *Moral Development and Reality*, the capacity and practice of trying to see things from another person's perspective, especially in the course of argument, yields impressive results in terms of moral development. Philosophy itself, done properly, can make us better people.

Welcome to the 21st ANNUAL AAPAE CONFERENCE
Sydney, June 2014

Sunday 22nd June — Tuesday 24th June, 2014
University of Notre Dame, Broadway Campus, Sydney.

AAPAE 2014

Conscience, Leadership And The Problem of "Dirty Hands"

Join us at the 21st annual AAPAE conference in Sydney from June 22nd to 24th.

At times, professional responsibilities appear to clash with deeper moral beliefs regarding what one ought to do, or how one ought to live. At other times, situational necessities seem to justify some individuals violating or ignoring their moral duties. We are left with this question: Are we sometimes obliged to get our hands dirty?

The 2014 AAPAE Conference will explore how the demands of conscience and the problem of dirty hands bear on ethical leadership in the professions.

Conference themes include, but are not limited to:

Ø Military Ethics & Supreme Emergency

Ø Policing Ethics & Noble Cause Corruption

Ø Sports Ethics & Governance

Ø Medical Ethics & Conscientious Objection

Ø Whistleblowing

See you in Sydney in June!

Conference Committee
Feel free to email with any queries about the conference.

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Social Events!

There will be two social events held during the course of AAPAE 2014: a welcoming cocktail reception (at a venue TBC) and a conference dinner. All participants are welcome to attend either or both events.

Entrance to the welcoming reception is included in the cost of registration, however the dinner is a more informal affair and attendees are welcome to simply pay at the door. The dinner will take place at a nearby restaurant on Monday June 23, and numbers are required for reservation purposes. If you wish to attend the dinner, please contact: sydney.cfes@nd.edu.au before June 1, 2014.

For more details see the conference website at:
http://aapae2014.com/

CALL FOR PAPERS
Extended Deadline: May 26th!

In this 21st meeting of the AAPAE, while we welcome submissions from any areas of professional or applied ethics, we especially call for papers discussing how the demands of conscience and the problem of dirty hands bear on ethical leadership in the professions. All papers and abstracts are due by 26th May 2014, and there will be opportunities to publish conference submissions following the completion of the conference.

To offer a paper or abstract, please submit an abstract of 300-400 words or full paper for a 25 minute presentation to: Matt Beard | Research Associate Centre for Faith, Ethics & Society | University of Notre Dame, Australia E: matthew.beard@nd.edu.au P: (02) 82044189

Keynote Speakers

Professor Raimond Gaita

Professorial Fellow in the Melbourne Law School and The Faculty of Arts at the University of Melbourne and Emeritus Professor of Moral Philosophy at King's College London. Gaita has contributed extensively to public discussion about reconciliation, collective responsibility, the role of moral considerations in politics, the Holocaust, genocide, crimes against humanity, education (the nature of teaching as a vocation, the role of love in learning) and the plight of the universities.
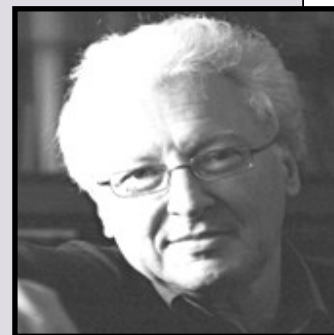
Dr Pippa Grange

Pippa Grange is a Doctor of Psychology working primarily within elite sport in the areas of culture and ethical leadership. In particular she provides strategic leadership and governance on culture change projects, including stakeholder engagement, policy development, creating high performing and functional environments and an emphasis on lifetime wellbeing. She also provides consultancy in ethics and leadership for sport and other high performance environments. Grange is the founding director of *Bluestone Edge: Building Sound Cultures*: http://bluestoneedge.com/

Warren Mundine

Warren is a highly respected and influential businessman, political strategist and Indigenous advocate for empowering Indigenous Australia to build a sustained Indigenous economy. His life and career have been shaped by a personal commitment to community, both Indigenous and non-Indigenous, and he has more than 26 years' experience working in the public, private and community sectors.
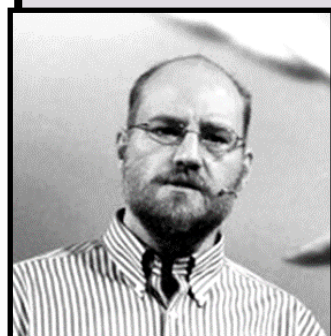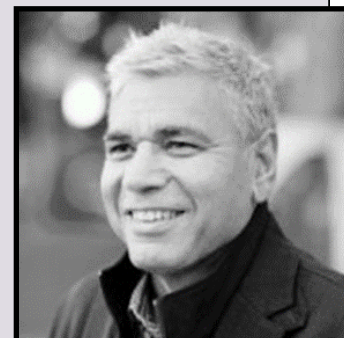
Dr Stephen Coleman

Stephen currently serves as the Convenor of the ADFA Human Research Ethics Advisory Panel and is a Senior Research Fellow at the Centre for Applied Philosophy and Public Ethics. He is the author of two books (*The Ethics of Artificial Uteruses* and *Military Ethics: An Introduction with Case Studies*) and many papers on a diverse range of topics in applied ethics, including military ethics, police ethics, medical ethics, and the practical applications of human rights.

PROFESSIONAL ETHICS AND THE PHILOSOPHERS

Alan Tapper and Stephan Millett

Modern professional ethics has a history. It arose in the 1970s. It superseded traditional professional ethics, the various sets of ethical values and attitudes that each profession cultivated amongst its members. In the 1970s this unsystematic approach to ethics was seen as outdated, uncritical and too easily abused. A search went out for a more rigorous and intellectually coherent way of proceeding. The call was answered by a number of moral philosophers, most of them academics working in American universities. Within a very short time the new approach to professional ethics had been born.

The new ethics announced itself in university courses, academic conferences, professional meetings, new journals, and new or revised codes of ethics. A key moment was the publication of the Belmont Report in 1978, a report that set the ethical standards for research involving human subjects. Its main author was Tom Beauchamp. Most of all, however, the new ethics arrived in a raft of new textbooks. The most famous of these was *Principles of Biomedical Ethics* by Beauchamp and James Childress, which first appeared in 1985 and is now in its 6th edition. *Principles* has been used in thousands of courses taken by innumerable medical and biomedical students. It was one amongst many new textbooks, written for each of the professions (law, engineering, accountancy, nursing, teaching, and so on) and included in the academic curriculum.

This seems like a fortunate conjunction. The professions were in need of ethical clarity and rigour. Philosophers specialise in systematic thinking. Moral philosophers are experts in the various ethical theories inherited from the great thinkers of the discipline. Seemingly, all that was needed was to apply those theories to the professional situation. And that, in essence, is what was done.

Of course, it was not all smooth sailing. Controversies abounded, as is to be expected amongst philosophers. But in many ways it was a success story. The single most important contribution made by the philosophers to the professions is the idea of informed consent, or, more exactly, what lies behind that idea, the principle of respect for persons as autonomous decision-makers.

> "There is a dilemma here. If the professions have a special ethics, it can't be derived straightforwardly from general ethics."

In broad terms this was a "Kantian" contribution, even though it is very different from what Kant understood by the idea of autonomy. It is generally accepted today that professionals must seek the informed consent of their clients, or of their proxies if the client is incapable of giving consent. This was not widely accepted under the paternalist dispensation of traditional professional ethics, when the professionals ran their own show.

However, there seems to be one good reason to question whether philosophy has really helped the professions. Professionals are required to operate according to standards higher than those that apply in the general community. How then can the application of general community standards to the professions succeed in capturing and articulating that higher obligation? If the philosophers are merely applying general ethics to the professions, this would seem to lower the standards. If, on the other hand, the philosophers are applying some higher-than-common standard, why does that higher standard apply especially to the professions and not to anyone and everyone?

There is a dilemma here. Either the professions have a special

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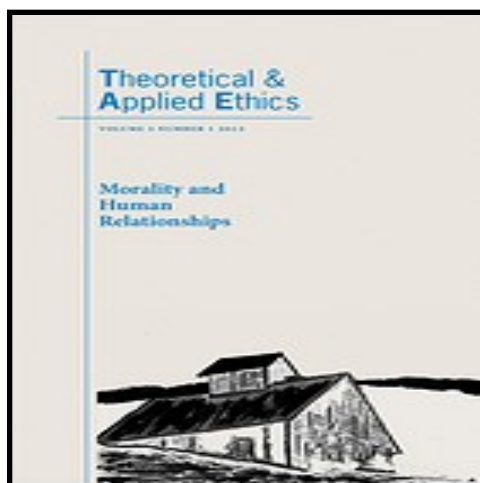
Information on *Research in Ethical Issues in Organizations*

The official journal of the Australian Association for Professional and Applied Ethics

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- *Volume 9:* containing papers from the 2012 AAPAE Brisbane conference
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PROFESSIONAL ETHICS AND THE PHILOSOPHERS (CONT'D)

ethics, in which case it can't be derived straightforwardly from general ethics, or the professions simply operate according to general standards, in which case professional ethics is no more demanding than everyday ethics.

As we see it, this problem has not yet been solved. In fact we doubt that it has been properly recognised. In a forthcoming paper, we have tried to formulate the problem as lucidly as we can. We first tried to state our point at the AAPAE Conference in Goulburn in 2009. Five years later, and after many revisions, our argument will appear in a newish journal, *Theoretical and Applied Ethics*, under the title "Is professional ethics grounded in general ethical principles?"

If the answer to our question is "no", then we need to rethink the basis of professional ethics. In our view this will take us back to the question of what the social role of the professions is. But that is another story.

Incidentally, we are both philosophers.

Alan Tapper and Stephan Millet

Two ethics conferences in the US

Howard Harris

Association for Practical and Professional Ethics
ETHICS ACROSS THE WORLD

The Association for Practical and Professional Ethics (APPE) and the International Center for Academic Integrity (ICAI) both held their annual meetings in Jacksonville Florida on the first weekend in March.

Two emerging themes from the conferences were the growing interest in the links between neuroscience, psychology and ethics moving away from philosophy as the dominant discipline; and the move away from compliance both in ethics and in academic integrity with a greater emphasis on positive behaviour.

Both groups have international reach, each has members from around 20 countries. There were presenters at APPE from Australia, Canada, Japan, Norway, Puerto Rico, UK and at ICAI from Australia, Canada, Colombia, Czech Republic, Dubai, Egypt, Lithuania, Qatar. An Australian, Tracey Bretag from UniSA, is now chair of the International Council of ICAI. Ed Spence from CSU/CAPPE is on the Board of APPE.

Practitioners made up half of the attendees at the Academic Integrity conference, including students involved in the Honor Code processes which many US colleges have. The keynote address at APPE was from the CEO of the largest division of Tyco, a corporation that a decade ago was at the centre of fraud and greed controversies.

Both conferences have 'add ons'. APPE is preceded by the Intercollegiate Ethics Bowl, a nationwide undergraduate debating competition which takes up a whole day before the conference proper begins. 32 teams took part, all qualifying in regional competitions. In Jacksonville the competition ran for some 15 hours, with the winning teams having to appear 6 times in the round-robin and finals stages. The winning team was from the University of Montana. APPE had a half-day colloquium for directors of ethics centres and a mini-conference on liberty and security, each running for half a day. ICAI had two day-long pre-

meetings for Canadian and south-east US group members, and a series of short pre-conference workshops on the first morning. APPE has a book room with displays from publishers and books at discounted prices.

Both conferences had a variety of presentation formats, and although the traditional hour-long presentation dominated there were poster sessions and panels. APPE printed the progam in both chronological and theme formats, with biomedical, business, engineering, law, journalism, research ethics, moral theory and teaching ethics themes. It's worth noting here that our own AAPAE has a broader remit than either of these US conferences.

The meetings were in the one hotel which made joint attendance quite a bit easier than at the multi-venue Academy of Management and Society for Business Ethics meetings which are also traditionally held in the same town at the same time in August.

Howard Harris

The International Center for Academic Integrity

Why I am still a Utilitarian

Peter Bowden

Liberal minded thinkers are unbelievably enthusiastic about John Rawls. His acid test for deciding what is just and fair, the concept of the veil of ignorance, is a superb analytical device. Those about to enter the world, not knowing where they will end up, choose the type of society in which they will want to live.

But Rawls is very critical of utilitarianism. He lambasts it as a social theory on almost every page.

To a utilitarian, especially a classic utilitarian, Rawls' condemnations create a major problem. It was a utilitarian, Jeremy Bentham, who gave us "each counts for one and none for more than one" (quoted in Mill, 1875, Ch. 5 para. 94) on which Rawls bases his theories, and John Stuart Mill, who gave us the overriding dictates against harm in his *Utilitarianism*: "*The moral rules which forbid mankind to hurt one another (in which we must never forget to include wrongful interference with each other's freedom) are more vital to human well-being than any maxims, however important, which only point out the best mode of managing some department of human affairs.*" (Ch. 5, para. 31). And "*A person may possibly not need the benefits of others; but he always needs that they should not do him hurt.*" (Ch. 5, para. 31).

These are guidelines that still provide the dominant rule for ethical behaviour (Bowden 2012). But Mill, a utilitarian, also gave us basic rules for a liberal society (*On Liberty,* 1859). His *The Subjection of Women* (1869) was a call, well ahead of its time, for the enfranchisement and equal access to education for women. As the Stanford Encyclopaedia of Philosophy states: *In thought especially but also in action, Mill made of the world a better place.*

> "But Rawls is very critical of utilitarianism. He lambasts it as a social theory on almost every page."

Rawls is not the only one who criticizes utilitarianism. Bernard Williams (1973) criticizes it for the greatest good concept – that it does not consider the welfare of minorities. The example that Williams uses is that utilitarianism requires us to sacrifice the life of one person to save the lives of many. Mill's assertion that not harming others is *more vital to human well-being* than any other maximum, however, readily defeats Williams' assertion.

A more recent set of criticisms is in Will Kymlicka's *Contemporary Political Philosophy* (2002). Kymlicka's criticisms of utilitarianism concentrate on the preference components. The originator of this version of utilitarianism was Peter Singer (1979), basing his work on RM Hare. Kymlicka puts up a series of illegal or un-ethical preferences, none of which were put forward by Singer, which he then attacks. Singer, who also uses the alternative word "interests" in place of personal preferences, describes his version of preference utilitarianism as "tentative" and that "it does not go as far as the arguments (in Hare)" (p.222).

Kymlicka also provides an unsourced definition of utilitarianism which states that utility gives equal weight to each person's utility (p.12). He then makes close to a dozen negative statements on supposedly utilitarian practices, again without references. Extreme examples are " ...utilitarianism ...does imply that torturing a child is less evil if the torturer shares his pleasure" (p.29); "utilitarianism might justify... depriving disliked people of their liberty;" or "utilitarianism ... allows some people to be treated as less than equals, as means to other people's ends" (p.34). In all these cases Kymlicka provides his own versions and interpretations of utilitarianism, rather than referring to what major utilitarian philosophers actually say.

The essence of the conflict in liberal thinking, and in deciding how one might reach a conclusion, must lie therefore in assessing the validity of Rawls' criticisms. Examining Rawls' prescriptions is a difficult task, for they do not translate easily in practice.

A 1967 Rawls' article attacks utility as irrational as a philosophical doctrine (p.259). He claims that utility asserts that "the welfare of many overrides the loss of freedom for some."

Why I am still a Utilitarian (cont'd)

"Utility is incapable of explaining the fact that the liberties of equal citizenship are taken for granted" (p. 260). Rawls claims that the most natural rival to utility is the theory of social contract. He introduces the "veil of ignorance" (although not explaining it as thoroughly as in his 1971 book) as a device which "prevents anyone being advantaged or disadvantaged by the contingencies of social class or fortune" (p. 260).

Rawls attempts to answer in his paper "whether it is possible to arrange the institutions of a constitutional democracy so that the two principles of justice are satisfied, at least approximately" (p.264). Rawls' two principles of justice are first that each person is "to have an equal right to the most extensive basic liberty compatible with similar liberty for others". The second, the difference principle, is that "social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage and (b) attached to positions and offices open to all" (p.60). The first is simply arguing equal rights and freedoms for all and is not an issue. In fact it echoes Bentham's original prescription of equality for all. The second is that social and economic inequalities (e.g. of wealth and authority) are just if they result in compensating benefits, in particular to the less advantaged. Rawls, however, includes natural inequalities, such as family of birth, intelligence, personal energy, learning capabilities, etc.

This is an important issue, for one of the obvious difficulties arising from Rawls' difference principle is the question of how it can be implemented. To achieve this objective, Rawls divides the institutions of government into four branches – the allocation branch (to keep the economy feasibly competitive); the stabilisation branch (to maintain full employment); the transfer branch (to assign weights to common sense precepts of justice) and the distribution branch which preserves just distributions of income and wealth. It operates a system of inheritance and gift taxes (p.266). His organisation of government is rather worrying, even reminiscent of George Orwell's 1984. Research has found, for instance, that tall people earn more money than short people (Cohen 2009). Presumably an implementation of Rawls' prescriptions would be to provide income support to shorter people, or possibly providing them with subsidised high heel boots.

Rawls eased these rather disturbing prescriptions in his 1971 book. But he does place the responsibility to bring about his ide-

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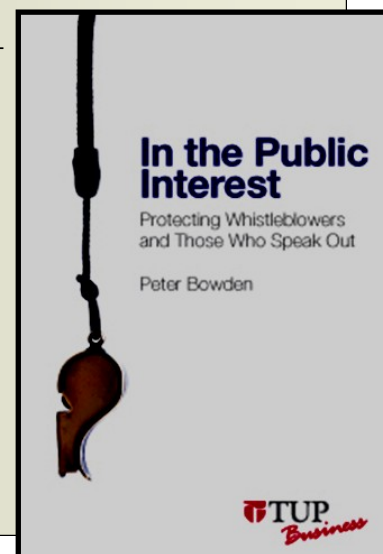
Peter Bowden, 2014

Price: $29.95 (print) $24.94 (ebook)

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In the Public Interest aims to strengthen whistleblowing practices – the capability of any of us to speak out successfully whenever, in our working lives, we come to know unethical or illegal practices. To be successful, however, whistleblowers need to avoid the backlash that often descends upon them, while still stopping the wrongdoing.

Governments worldwide, aware of the benefits that blowing the whistle can bring, have instituted procedures for protecting whistleblowers. More people need to know about these developments, including teachers in colleges and universities, and trainers and consultants in the work force. Managers in organisations, both public and private, will also benefit from this book, for they are the ones increasingly being called upon to develop internal whistleblowing systems.

In the Public Interest addresses developments in three countries – the US, Australia, and the UK. The legislation and procedures work differently in each country, and have had varying degrees of success. The book examines these differences, attempting to learn from the more successful and suggesting approaches for future strengthening.

In the Public Interest
Protecting Whistleblowers and Those Who Speak Out

Peter Bowden

TUP *Business*

Why I am still a Utilitarian (cont'd)

Peter Bowden

al system of justice onto government in some form. He writes: "society shall"; "society should try to avoid"; "we need to"; "set up a just system of institutions;" "set up the social system so that." (Rawls, 1971, pp.78-102). It is needless to point out that there are many people in our societies that would regard the implementation of Rawls prescriptions as a major infringement on their own liberties.

Rawls' prescriptions also assume that their application takes place in one country. It is difficult to identify a way in which his theories can be implemented across national borders. Rawls in fact rejects the need to apply his prescriptions globally. So the well-to-do in the developed countries who buy a replacement organ from a poor person in India selling his kidney to feed the family are apparently not infringing Rawls' theories. The world's populations that live on less than $10 a day receive no help from Rawls.

One final examination is whether utility, and particularly the classic version, sets out as convincing a need for justice as does John Rawls. The answer is "almost". For Mill:

Justice is a name for certain moral requirements, which, regarded collectively, stand higher in the scale of social utility, and are therefore of more paramount obligation, than any others." (Ch. 5, para. 39).

Paraphrasing, Mill gives five

versions of justice:

Firstly, it is unjust to deprive any one of his personal liberty, his property, (etc.) which belongs to him.

Secondly, the legal rights of which he is deprived, may be rights which ought not to have belonged to him. Opinions will differ as to

> **"Rawls has reached high, but still has no answer for John Stuart Mill."**

the justice or injustice of infringing these.

Thirdly, it is just that each person should obtain that which he deserves; and unjust that which he does not deserve.

Fourthly, it is unjust to break faith with any one to violate an engagement.

Fifthly, it is inconsistent with justice to be partial; to show favour or preference to one person over another.

It is possibly this fifth version in which Mill reaches closest to John Rawls. But he does not reach to the same heights. Mill however, argues that justice is based on utility. The obligation not to harm others extends to redressing the harm suffered by others. It is a version of the Golden Rule, as Mill claims for utilitarianism.

Happiness or "care for others" is "the ethical standard" (Mill, Ch.3,

para. 10). Liberal democratic societies have followed this dictate for many years. The National Disability Insurance Scheme in Australia or ObamaCare - the Patient Protection and Affordable Care Act in the US - are recent examples. Effective governments will apply rigorous evaluation techniques to such programs, changing them where necessary. Ineffective governments will just argue and assert. This history is sufficient to convince this writer that Rawls has reached high, but still has no answer for John Stuart Mill.

References

Bowden, Peter (2012) "Harm to others", *Research in Ethical Issues in Organizations* Vol 8 Emerald Publishing Ltd.

Cohen, Arianne (2009) *The Tall Book*, Bloomsbury USA. Reported at http://www.livescience.com/5552-taller-people-earn-money.html

Kymlicka, Will (2002) *Contemporary Political Philosophy,* 2nd ed., Oxford University Press.

Mill, John Stuart (1875) *Utilitarianism.* ebooks.adelaide.edu.au.

Rawls, John (1967) "Distributive Justice" reprinted in: Donaldson, Tom and Werhane, Patricia (1988, eds) *Ethical Issues in Business*, Englewood Cliffs, NJ, Prentice Hall, 3rd. ed.

Singer, Peter (1979). *Practical Ethics,* Cambridge, Cambridge University Press.

Williams, Bernard, with JJC Smart (1973). *Utilitarianism: For and Against*, Cambridge, Cambridge University Press.

AAPAE

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"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.