**Neither Requiring a Business Ethics Course nor Teaching Ethics ‘Across the Business Curriculum’ Will Significantly Reduce Business Ethics Crises or Scandals\***

Richard Garlikov

**Abstract**

Each time there is a business scandal or crisis with apparent moral causes, calls are made in journal articles, legislatures, and the media for better ethical training in businesses and in university business education programs. I will try to show in this paper that although ethics or business ethics courses are important and potentially somewhat helpful, it would be wiser for businesses, or at least industries, who want to be ethical to consult with or hire people knowledgeable and intelligible about ethics and analytic philosophy as a specialty (in roughly the same way they do attorneys, or other specialists, now) rather than expecting managers or other employees to have the kind of competence in ethics that will prevent the sorts of scandals and disasters that periodically prompt “ethics” legislation, criminal prosecution, civil litigation, and calls for better business ethics education.

While studying ethics today is necessary to try to elevate most students’ moral thinking above very simplistic, inadequate levels, taking an ethics course or two is not sufficient to make graduates proficient in ethics. The subject is too complex and difficult, particularly conceptually difficult, for most students with the cultural and educational ethics backgrounds and beliefs with which they enter college for them to become accomplished at rigorous moral reasoning and insight. And while it is reasonable to require managers and policy makers not be corrupt or basically dishonest, it is not reasonable in today’s educational and business environment to expect someone with just one or two ethics courses at the undergraduate level, or ‘ethics training throughout or across their business school curriculum’ to likely be able make ethically right or reasonable decisions in complex cases, or even to recognize when situations require moral consideration, particularly in those circumstances where traditional practices have long been oblivious to potential ethical implications.

**Article**

**Preface**

The phrase “business ethics” is ambiguous. It can mean ethics in the sense of moral philosophy and reasoning as applied to business issues[[1]](#endnote-1), or it can mean the accepted rules and practices of business at the time (including applicable laws and professional codes, such as the American Bar Associations Model Code of Professional Responsibility or the American Bankers Association Code of Conduct and Ethics), which may or may not be ethical in the first sense.[[2]](#endnote-2) Both senses of the phrase occur when businesses are accused of having behaved unethically and the response is that they have not done anything illegal or unusual and have not violated their profession’s code of ethics. And while in some instances laws attempt to enshrine ethics in the first sense, they fail to do so because they tend to be so specific and/or incomplete that they allow legal loopholes for behavior that is unethical.[[3]](#endnote-3) So, what is typically referred to as “ethics legislation” is simply legislation pertaining to certain kinds of professional requirements. Mere compliance with it will not necessarily make a person or business ethical; and in the case of bad or inadequate legislation, compliance with it might allow one to be unethical or give a false sense of being ethical.

In this paper, I will mean by “business ethics” the first sense – moral philosophy and reasoning as it should apply to business practice, which may or may not be captured by, or consistent with, any particular laws, rules, professional codes, widespread and/or traditional practices or mores at a given time. This is in part because you cannot normally justify an otherwise wrong act by labeling it as a standard (business) practice in some part of society[[4]](#endnote-4). If it is wrong, for example, for an individual to cheat people or exploit their ignorance, it cannot be made right by saying one has a duty out of loyalty to an organization of people who band together to do it. Or gangsters, for example, could not morally justify extortion as being just part of their business even if it were legal or if they find some way to classify it that circumvents the law. Similarly contract murder; it would not make it right to murder someone just because that was your job and the way contract killers do business. Of course, extortion, bribery, and murder are illegal, but not all morally wrong practices are, and insofar as any business practices are morally wrong in general, such as exploiting a worker’s economic circumstances to make him/her have to accept a disproportionately low wage for the profit s/he earns you, they are not morally justified just because it might be the way business has always been done. Similarly with regard to gouging someone with an excessive price because their circumstances put them over a barrel. Voluntarily accepting being exploited because one does not have a good alternative does not make it less exploitation or less unfair and wrong. And common practice of a wrong act doesn’t necessarily make it a right act, at least outside of the possible ‘Lance Armstrong exception’ given in endnote 4.

**Business Needs To Utilize Ethics Consultants**

Each time there is a business scandal or crisis with apparent moral causes, calls are made in journal articles, legislatures, and the media for better ethical training in businesses and in university business education programs. I will try to show in this paper that although ethics or business ethics courses are important and potentially somewhat helpful, it would be wiser for businesses and business people, or at least industries, who want to be actually ethical (and not just follow wide-spread, conventionally accepted current practices or do the legal minimum required), to consult with or hire people knowledgeable and intelligible[[5]](#endnote-5) about business, and about ethics and analytic philosophy[[6]](#endnote-6) as a specialty or sub-specialty (in roughly the same way they do attorneys, or other specialists, now) rather than expecting managers or other employees, including accountants, to have the kind of ethics training, understanding, and knowledge that will prevent the sorts of scandals and disasters from bad decisions that periodically prompt “ethics” legislation, criminal prosecution, civil litigation, and calls for better business ethics education. Even if better (business) ethics courses could become common, which itself is unlikely, they are not likely to sufficiently foster the needed and desired ethics skill or awareness. The subject is too complex and difficult, particularly conceptually difficult, for most students with the cultural and educational ethics backgrounds and beliefs with which they enter college for them to become accomplished at rigorous moral reasoning and insight.

While it is reasonable to require (and in that sense, expect) employees not be corrupt or basically dishonest, it is not reasonable in today’s educational and business environment to expect someone with just one or two ethics courses, or ‘ethics training throughout, or across, their business school curriculum’ to likely be able make ethically right or reasonable decisions in complex cases, or even to recognize when circumstances call for one, particularly in those cases where traditional practices have been oblivious to potential ethical implications for a long time.[[7]](#endnote-7) It is not reasonable to expect typical managers, on their own, to be able to construct business environments that eliminate or minimize the pressures on themselves or on their colleagues and employees to make bad decisions or act unethically, particularly if they all follow traditional institutional practices and policies. It is not reasonable to expect people with little ethics training to resist traditional or prevalent pressures which reward wrong acts or punish right ones. And it is not reasonable to expect people with little ethics training or study on their own to have the verbal tools to bring the kind of ethical changes to their environment necessary without an advocate or sensitive ethics ombudsman to assist or speak for them. This is all difficult enough *with* the proper ethical understanding, because there are established, enduring systemic problems involved in business practices, but that difficulty is multiplied many times *without* it.

That does not mean that business people do not need, or could not benefit from, good and intelligible training or self-study in moral philosophy. A good ethics book or a good ethics course or two, along with ongoing practice discussing potential or recognized ethical issues, can help owners, managers, and employees better understand any ethical explanations they are given and can help them better recognize and formulate new ethical issues and problems they may discover or face. Even though such training by itself is not likely to insure proficiency in ethical reasoning, it should elevate the moral reasoning skills of receptive learners far above the fifth grade Sunday school ethical understanding and reasoning most people seem to employ without any study of, or deeper reflection about, ethics. Business majors should have and be able to demonstrate at least rudimentary knowledge of moral philosophy and reasoning. That would help facilitate consultations with any ethics specialists and understanding and implementing their advice. Such knowledge and training should involve understanding the use of general principles in ethics, not just be discussions of specific ethical issues, which often at best lead to unsupported agreement and at worst argumentative, unresolved “bull sessions”, but in neither case helps students better learn to resolve ethical issues systematically or to be aware of previously unrecognized ones.[[8]](#endnote-8)

Even though there is growing research evidence that people normally do not make moral choices in a rational way (as if it were not obvious just from talking with them or listening to debate of any issue -- political or otherwise -- in the media or hearing attorneys rationalize positions), but are heavily influenced by various sociological and psychological factors (Brody, 2012; also Riordan and Riordan, 2013), I would think that would be significantly less true of someone who is good at moral philosophy.[[9]](#endnote-9) For example, Riordan and Riordan point out as examples of “groupthink” “Warnings may be ignored. The group may recommit to past decisions without considering alternatives” and “The members [of a group] may underestimate the potential of others to contribute relevant information.” But those are errors individuals often make outside of any group. It is often no easier to convince an individual owner or manager in one-on-one discussion that there is a problem with a policy or plan, than to convince (him/her in) a group. Not every group decision is different from what its members think individually. If understanding moral philosophy (including the concept and significance of personal responsibility) helps people be more rational and more proactive about moral matters as individuals, they should then also be less likely to make a collective group error based on mutual agreement about, and acceptance of, a bad idea. Businesses should not simply disregard moral philosophy in favor of psychological decision theory and manipulations of the social environment, but should try to find ways to make better and more rational ethical choices. Consulting with good ethics specialists would seem to be one reasonable way to do that.

Bad group thinking does not just occur in regard to ethical issues, but also in regard to logic in general. In the relatively early days of the digital age, when the managing board of one international company was considering buying a very expensive new computer system, the head of their computer services department told them that system would not work to do what they wanted and that it would be a total waste of money. He thought that was the end of the matter. But months later, the company purchased the system, after holding further meetings about it that he did not know about. It didn’t work the way they wanted it to, as he had explained it wouldn’t. He later asked one of the board members why he had not been invited to the other meetings, and was told “You had such good reasons for not buying the system that we were afraid you would talk us out of it; and we really wanted to get it.” It is difficult to imagine that the logic behind that comment made in private by this individual is somehow potentially better than it would have been if formulated in a group meeting. Surely there are some limits to the blame that groupthink and peer pressure can shoulder for individuals not recognizing truly bad ideas, whether in moral or non-moral reasoning. Much attributed to groupthink is simply bad individual reasoning which happens to assemble together in the same room or teleconference. Insofar as groupthink stifles or prevents the presentation of better ideas that would have been made in private, it is a real problem, but a manager or boss can often discourage the presentation of good ideas on his/her own. It is often the fear of speaking up (forcefully enough), often accompanied by a weak or non-existent sense of personal responsibility commensurate with the gravity of the error one will not try to correct, and/or the lack of receptivity or ability to consider ideas rationally, whether in private communication or in a group meeting, that allows bad practices or policies.

This is not to say someone with a specialty or sub-specialty in ethics will be morally foolproof, any more than attorneys are now foolproof with regard to litigation or contracts, but it stands to reason it should increase the odds enough to do a great deal of good, prevent a great deal of harm, and more than pay for itself 1) in terms of preventing many legal fees and penalties and the time wasted preparing for preventable litigation, 2) in terms of customer and other stakeholder gratitude and loyalty, and 3) in terms of attracting new customers by having a deserved reputation for treating people right. Floyd et al (2013) cite that “a growing body of empirical evidence has demonstrated that businesses can ‘do well by doing good.’” More about this later, but shouldn’t the point of all business/trade be to do well by doing good! Shouldn’t workers, companies, and society profit by dividing the work in the best way and trading fairly with each other to accomplish the most overall benefit most reasonably divided?

**Moral Knowledge and Good Moral Reasoning Are
More Difficult and Less Common Than Expected**

Moral reasoning is much more difficult and complex than most people realize, and moral awareness is perhaps even more rare than moral reasoning skill. If my own students entering my introductory ethics courses (and their parents, grandparents, and other role models and mentors of them) are any indication, as they seem to be from the business ethics literature, and from the evidence of public debate (at least in the United States) most Americans cannot do ethics very well, in the sense of moral reasoning, but think they can. It is not that they are not good, kind, decent people in most day to day situations but (1) they have difficulty trying to determine what is right and why (in a way that will stand scrutiny) in any unusual or complex situation for which they don’t have an automatic response that they learned from their parents or culture, and even in some of the automatic cases, and 2) they have difficulty recognizing circumstances that need moral reasoning, situations that are morally problematic. And often in both such cases, their certainty is inversely proportional to their understanding.[[10]](#endnote-10) That is at least at first, and sometimes unfortunately even at the end of ethics courses they have previously taken, particularly in many online courses where there is much less immediate, back and forth discussion and currently much less overall discussion than there could and should be that can build on each response and more efficiently analyze and correct errors.[[11]](#endnote-11)

And even many of the authors of ethics books and journal articles seem to me in significant ways not to understand well what is involved in good moral reasoning (too often thinking it is subjective, relative to whichever moral theory one favors or adopts, or about choosing between conflicting values as if all values were of equal moral status[[12]](#endnote-12)), even though they often make some good and important specific points in their works about narrow aspects of ethics and teaching it. The current way of conceiving ethics at the theoretical level and the contemporary conventional way of teaching it are confused and in some cases erroneous, making it even more difficult for students to become competent at moral reasoning. They also frequently conflate two different issues: 1) knowing or being able to reasonably discover or figure out what is right and wrong, which is difficult enough, and 2) having the motivation to do what is right, particularly when it is not in one’s or one’s company’s material self-interest, and even more particularly when there is no traditional, firmly entrenched cultural norm (as in forging some new commercial or political advertising campaigns which are more effective than ethical), or when the norms used are only or primarily about pursuit of one’s, or one’s company’s, material self-interest, as they often are in business or politics. This is even further compounded when people act in conditions that give them a (sometimes false) sense of anonymity, privacy, or invisibility as in commenting in email forums, driving in congested traffic, or working in a large organization.

When asked their principles of ethics at the beginning of the course, most of my students (of all ages) and 32.3% of those in a survey of millennials (Wright et al, 2014) honestly (but not accurately) said they used some version of the Golden Rule to make ethical decisions, even though they usually do not actually, other than in certain narrow kinds of cases where they have a definite preference for how they would want to be treated or know the outcome they desire, and mistakenly assume other people would want the same things, and that there is nothing wrong with having them if that is what is wanted. They mistakenly consider what is psychologically desired with what is then necessarily morally desirable. Many students also sincerely believe and say they apply other religious principles as well, even though, again, they do not, if you ask them about any moral issue not directly addressed, particularly in an obvious way, by something like the Ten Commandments or Golden Rule.[[13]](#endnote-13)

For example, the first assignment they have is a class project they work on collectively to develop a list of circumstances in which it is justified to break a date, and then explain why; ultimately then seeking any underlying principles or common characteristics among the different circumstances or justifications. They have difficulty doing both aspects of that, basically getting stuck after conditions such as “emergencies”, “sick child”, “dangerous weather/impassible roads”, even though there are dozens of other circumstances that should yield a few common principles among them. A few consider false excuses that cannot be disconfirmed by the other person to be legitimate grounds for breaking a date. Often they state circumstances that do not actually justify breaking a date, such as not having money they thought they would (instead of changing the date to something inexpensive or even free), or deciding that the relationship will not likely lead to anything long term (as if all dates were auditions for marriage, instead of, in some cases, agreements to accompany someone to something because it would be best if they did not go alone). Some think it is permissible to break a date any time you simply change your mind about going, even if that is a half hour before the senior prom. But almost none give a religious reason for their justifications, with the occasional Golden Rule exception when questioned further, of saying that they wouldn’t want someone else to keep a date with him or her if the other person did not really want to go out with them or thought there was “no future in it,” again ignoring or not thinking about those dates where one actually *would* want the other person to keep the date because it is better to have a companion for the particular event, and it would be too late to find a replacement, or because some effort or expense had gone into preparation based on that specific person’s being the one to accompany you once they had said they would.

But apart from the specific difficulties students have with this relatively simple, unemotional kind of case, what is really interesting about it is their responses two weeks later to the following questions: 1) Is voluntary mutual, honestly informed consent between adults sufficient to justify their having sex? Is their mutual desire for sex with each other, with no one lying to the other about any of their circumstances, enough to make sex between them alright? And 2) in general, is honest, informed, mutual consent about an act that is perfectly legal (as opposed to something like contract killing, bribery, arson for hire, etc.) between two parties sufficient to justify any act they agree to do, whether in a personal or business agreement, or any other kind of mutual, informed, voluntary agreement? What makes their responses to these questions particularly interesting is that in the intervening week, although they discussed about sex which led to accidental unwanted pregnancy (which they considered wrongful sex), and about the bad choices of college age women having sex with guys who were not only unreliable but would likely be not good enough at sex to make it a satisfying experience, thus possibly leaving the girl dissatisfied, diseased, abandoned, and/or pregnant (again a case of understood wrongful sex), most answered that mutual consent and desire was sufficient to make sex okay and there was no problem with it. And moreover they said one should always keep one’s honestly informed commitments, even though the first week they all thought there were circumstances that justified breaking dates, which are mutually agreed commitments, though in many cases obviously somewhat weaker ones than a major business contract. But the principles given at the end of the first and second week’s discussions, and in the ensuing assigned reading, should have made clear there might be significant enough circumstances and potentially important enough issues that justifiably override honest, mutually informed consent even when that consent is about a significant undertaking.

But at this point in the course, there is very little “transference” between different issues or between their reading about principles and their applying them in cases where the questions are asked in ways purposefully not meant to imply the similarities or the relevance to those principles, but which are not deceptive either, because the questions are asked in ways they commonly are considered and addressed in people’s own minds or in discussions they have with others.

One of the most obvious cases of this lack of transference or absorption and assimilation of concepts and principles occurs in following up a lesson and discussion pointing out the flaws in the Golden Rule as it is usually utilized to determine what is right to do. Two of the flaws are that not everyone wants what you want (other than in the most general terms, such as being treated right, decently, compassionately, etc.) and not everything you want, or want to do, is necessarily right even for you to have or do.

For example, a father one time wanted his entering freshman son to go into pre-med and take chemistry, zoology, and physics the first term. The university did not permit entering freshman to take more than one science course with a lab because that was too difficult, and moreover this student showed no interest in, or aptitude for, science. But he didn’t want to displease or disobey his father. He was allowed to take the chemistry course, but was also placed into other courses, with his consent, that evidence pointed to as being more likely interesting to him and more likely successfully completed. The father called the academic counselor at home that night, upset at his son’s course selections, and it turned out he wanted his son to be pre-med because he wished someone had made him select pre-med when he went to college, so he would not have the unhappy career he has now. Whether the father would have been successful and happy in medical school and as a physician, or not, it was pretty clear his son would likely be neither. And even if he would be, starting his first term of college with three difficult science courses that each had labs, was not likely to make that occur.

So I point that kind of example out along with others, such as not making sexual advances (or attacks) toward someone else because you wish they would make such advances (or such an attack) toward you. One student one time, getting the idea being presented, added his own example that his girlfriend had used the Golden Rule to select his birthday present. Because she herself loved anything with a frog motif, she bought him a pair of frog-image bookends. He said “What would I want with frog bookends? Nothing; I didn’t want them. That was just a lame present for me, and a waste of her money.” So, we go through examples of this sort and everyone understands and then I say: “Okay, that is enough with the Golden Rule. Let’s go on to a different issue. Suppose a friend of yours is in the hospital, perhaps with a terminal illness. Should you go to visit him/her?” Invariably everyone says “Yes or of course.” Then if you ask them their reason for that, they say “Because I would want my friends to visit me if I were in that condition.” No carry over, whatsoever. “What if your friend doesn’t want visitors, or at least not a close friend? What if s/he doesn’t want to have to put up a brave front or to have a meltdown in front of you? What if s/he doesn’t want to see you sad or pity him/her? What if s/he is just not in the mood for any companionship of a friend? Shouldn’t you find out what your friend wants instead of determining what you think you would want under those circumstances, which maybe you actually wouldn’t want if you were in that position? Didn’t we just get done seeing that you cannot use the Golden Rule to determine what is right in the way you are doing it here?”

Police in one area one time presented a program for young children (roughly around age 5), where they explained to them, in the presence of their parents, never to go anywhere with any stranger. They then asked the children whether they would go with strangers, and all the children said no. The police gave all the children ribbons or some sort of recognition award for being good learners, and had a little party outside for them with ice cream. During that party, a policewoman dressed in plain clothes went around to the children to enlist their help finding her lost dog, which she showed them a picture of. The children went with her. They didn’t realize that this was a situation of going somewhere with a stranger. This was part of the teaching program for the students, many of whom cried when they realized they didn’t do what they had supposedly just learned and said they would. Students in ethics classes “go off with the policewoman” all the time because it simply is very difficult in many cases to recognize instances of principles when they are not presented directly as such instances. It takes practice, and a certain amount of trial and error or outright failure. The same kind of thing happens to students in math who can work word problems given at the end of a section or chapter, because they know which principles the chapter involves, but who cannot even begin to correctly work a differently worded problem they come across somewhere else (out of context). Understanding and accurately applying unfamiliar concepts and principles is difficult.

Plus, the Golden Rule is a kind of an unnecessarily convoluted way to determine what is right. My father one time told me about his directing some older, hearing-impaired visitors to the front seats of the synagogue where there were earphones to assist those who were hard of hearing. I asked him why he did that, to see what his reason would be. He said because “I would want someone to do that for me.” I said “But you are not partially deaf.” He said “No, I meant ‘if I were partially deaf’, I would want to be told about the headsets to help me hear the service.” I said “I know that, but why do you have to go through all that to know it is right to tell them about that facility in those seats so that they can hear. Don’t you know directly they would most likely want to hear the service, and that is how they can be helped to do that if they want to? Why do you have to imagine yourself being like them in order to know what they need and might want to know?” Plus, as pointed out to my class, not everyone wants what you might want, even if you did want it. So the exercise of trying to imagine oneself in another person’s position is normally neither necessary nor sufficient to determine specifically what is right.

And there are three other problems with the Golden Rule:

1) it doesn’t help you decide what is right when you have to judge between conflicting parties, since if you were one of the parties you would want one answer, and if you were the other party, you would want the opposite answer. In a labor versus management case, asking yourself what you would want if you were in management or if you were a lower level employee will yield likely contradictory answers; likewise if you had to judge property division in a divorce case.

2) People are often wedded to theories and cannot really imagine any circumstances that would make them change their minds. During the Clarence Thomas Supreme Court confirmation hearings, Senator Howard Metzenbaum (D-Ohio), questioning either Anita Hill’s veracity or judgment, said he thought that she should not have feared quitting her job over her alleged sexual harassment by Thomas because he stated that if he (Metzenbaum) lost any job today he could secure another one that would be at least as good, and so she should have been able to also if she really believed she was sexually harassed. But he was a powerful, wealthy, older white man with lots of connections, and she was a young, not wealthy or powerful black woman, with few. President Ronald Reagan thought that anyone could rise above poverty to become successful, but he did not appreciate how difficult or nearly impossible that might be if one was, for example, born to a young, uneducated, single black woman in a ghetto full of gangs, violence, and drugs. The Golden Rule and Rawls’ ‘veil of ignorance about one’s initial conditions’ do not take into account these kinds of mistaken beliefs about what one would want or choose if one truly understood the situations and the conditions that caused them. If people are right who believe some conditions make life unfairly difficult and should be minimized or eliminated if possible, then if you do not, your decision not to minimize or eliminate them is done from behind the kind of veil of ignorance not meant in the sense Rawls intended. You are not just ignorant of what your lot in life will be, but of what constitutes a fair chance for a decent life. Rawls thought that people would choose fairly and wisely what the rules and conditions of life should be, if they didn’t know what their position in life would be, but that is not necessarily true of those who are wedded to mistaken theories about which conditions are fair or not.

3) Suppose the question is what the right punishment, if any, is for a cold-blooded serial torturer and murderer. If you try to determine that by asking yourself what you would want if you were the murderer or might become a murderer, you might not want any punishment or you might want a mild punishment. But that would hardly make it right for him to receive light or no punishment.

The point is that moral concepts are often difficult to discover, absorb, and assimilate, given today’s generally woefully inadequate moral education in the early years, and moral reasoning is more complex than generally considered, presented, or modeled, at least in the United States. And it is not remedied in this age of college academic ethics instruction that I call ‘the new relativism,’ which is a strange theoretical, second order, kind of relativism I will explain later. Moreover, most people have trouble noticing or recognizing ethical dilemmas or issues, let alone reaching Kohlberg’s (1963) stage 6 moral reasoning by the use of rational moral principles in determining how to address them. That in part is why ethical issues in business are not even noticed as ethical issues until they become full-fledged catastrophes after which moral autopsies are performed by companies, academic researchers, media pundits, Congressional hearings and panels or commissions to determine the cause of the failure and/or place blame. That is a problem, besides the approach being piecemeal and unsystematic, for teaching ethics primarily by case studies whereby a moral dilemma is pointed out as such, and so students know there is something to be decided, and there are usually clues based on what they are currently studying or based on media coverage about the relevant moral considerations.

In real life, situations requiring moral reasoning do not always appear to be moral issues at all to the people involved. It is not simply that they don’t know the answer but that they don’t even know there is a problem that needs an answer. Unless and until there is a recognizable disaster people tend to blindly conform to traditions, policies, and practices without realizing they might be making wrong choices or doing anything that will lead to a disaster for which they are at least in part responsible. It is not just that people make ethically blind choices[[14]](#endnote-14) when knowingly confronting ethical issues or dilemmas, but in cases where they blithely follow traditional practices, they often don’t even realize they are making a choice at all, let alone a moral one. A common excuse for wrongdoing is that one was just doing what has always been done, as Vice President Spiro Agnew stated when he was indicted for past corrupt practices as governor of Maryland, adding that he had not acted unethically but that ethics had changed, meaning that traditional practices were now seen as wrong when they weren’t seen that way before, and presumably then most likely in his mind thus were not wrong before. In a psychological sense people automatically following traditional practices are not making a choice in that they are not pondering alternatives and consciously selecting one, but since they do have the ability to employ a different option, and in some way should have known that, their act is a choice that makes them morally responsible for what they do, even if in *some* other cases one can be not morally punishable, because one is not negligent in not realizing there is another option.[[15]](#endnote-15) And it should not be only those wrongs with the potential to cause an economic disaster or system failure that need to be corrected. That a system can function economically or financially effectively in spite of moral flaws does not justify ignoring those flaws. Slavery, for example, is an efficient and effective economic system, as is a slave-wage, sweatshop system.

And it seems clear, from the spate of new legislation and regulation and the calls for more ethics training each time some business or economics catastrophe occurs, that ethics and ethics education are generally conceived of as how to avoid making the same kinds of past mistakes rather than recognizing potential future ones or the wrongfulness of traditional and current practices.[[16]](#endnote-16) Historically and presently, it is clear that acceptance of new moral ideas and ideals is strenuously resisted by many people. Many educated and religious people, for example, saw nothing wrong with slavery and argued for its perpetuation. Or consider that as of this writing, the current NCAA opposition to paying student athletes for their work in those sports that bring in millions and millions of dollars to many universities, while paying their coaches in some cases millions of dollars fits the standard resistance to seeing and reasonably weighing and trying to accommodate the moral elements involved. Part of why it is so difficult to teach ethics is probably this very resistance to concepts and ideas that are new and/or challenging, in this case to students’ entrenched previous simplistic training and culturally acquired beliefs.

Many American students, again of varying ages, claim to rely on the Ten Commandments along with other religious passages, or on aphorisms such as “To thine own self be true” or platitudes such as “it is okay to do anything you want as long as you don’t hurt anyone else” or on whatever is fashionable at the time, such as various rights, as if almost everything were rights-based, and/or on governmental rules and regulations, company policies, etc. They also see themselves as having obligations to follow orders in particular roles, such as soldiers or employees. A small percentage of students, including in some cases those brought up in religious conservative households and who then served in the military, view strict adherence to orders and rules as being inadequate or wrong, and have questions about how to make ethical choices better. But most students are certain they know what is right or wrong in any question that matters, and that any disagreement with them in such cases is just a matter of opinion that does not need to be taken into account. It is sometimes very difficult, even in an ethics course, to dissuade them of those beliefs.[[17]](#endnote-17)

Ethics is not as easy as it seems and the current conventional teaching of it, involved in teaching students the standard litany of ethical theories (utilitarianism, Kantianism, virtue ethics, ethics of care, rights-based deontology, Rawls’ theory of justice, etc.[[18]](#endnote-18)) does not help students learn to determine what is right, and does not even make it easier. In a short video, Norman Bowie espouses not trying to teach all the ethical theories to (business) students and then having them try to apply them to cases studies, because, as he points out, they cannot do that well, but instead he advocates teaching by applying the different theories to those cases and kinds of cases to which they are most relevant. But that is like trying to teach calculus or physics by telling students which formulas to use for which kinds of problems, instead of helping them see the relationships that determine which formulas work for different problems and be able to make any adjustments or use or derive different formulas as needed, particularly for new problems. Just memorizing formulas for specific applications is difficult to remember, easy to get wrong, and does not help when new problems arise or when ones occur which are similar looking on the surface but which are enough different to need modification of a given formula or fundamentally different enough in underlying structure to require being addressed in a different way. What Bowie is suggesting is essentially that the teacher determine which ethical elements are most relevant and then use the flawed general principles which (accidentally) work for those cases to show the students how to get the right answers for them. That is leaving out the most important part of the ethical reasoning process and handicapping the students for being able to recognize and resolve any ethics issues in the real world. It is tantamount to telling math students how they need to solve a word problem by setting up the calculations to be used and then just leaving them to do those calculations. That does the most difficult part of solving the problem for the student, and doesn’t necessarily or likely teach them how to solve such problems on their own. So many students have difficulty with “word problems” in math, because they have to figure out which calculations to do, not just know how to do calculations they are given already set up.

Gu and Neesham (2014) propose a psychological, virtue ethics and/or character building variant of Bowie’s proposed teaching method, giving empirical research to support their version. They have students write essays of the students’ own ideas about ethical traits or elements such as honesty, fairness, generosity, etc. and then ask them how likely they are on a scale of 1 to 7 to do acts depicted in eight different scenarios. The different scenarios seem to clearly involve one or more of the elements assigned in the essays in a way that makes invoking them the prima facie right thing to do. Students who have written such essays give the desired answer to the questions more than do those students who have not been assigned the essays.

For example, one of the questions is whether one is likely to eat food without paying for it, if one can get away with it, at a fast food restaurant where one works and where the company policy is that all food consumed by employees must be purchased. Students who have written the essays state afterward they are more likely to pay for the food. But this only shows that students who write about honesty or about being honest (and about the other traits) are more likely to say on a test associated with a course which clearly puts some emphasis on honesty that they will pay for the food. They may only be making a temporary, psychologically prompted association or they may be trying just to get a higher score or to please the teacher or curry favor if they know the test is associated with the course. And even if this actually gives students a stronger conscience about doing what they think is right in a fairly simplistic and obvious situation, it does not show that what the students believe is right is always right or that they will have correct beliefs in a more complex case, especially one with conflicting values, or even recognize when a more subtle situation involves ethical elements. Plus, as will be explained shortly, the problem with modern virtue ethics is that specific character traits claimed to be virtues are not necessarily virtuous in all situations. They are at best prima facie right traits or virtues to utilize. But psychologically prompting or inclining students to give desired, believed correct answers to simplistic questions on a test in (or after) a course that makes those answers appear to be the one desired, does not show that students have developed ethical understanding or improved moral reasoning ability.

Teaching ethics (or physics, math, home construction, law, engineering, cooking, or anything) by rules, algorithms, recipes, or psychological prompts to invoke specific character traits in obvious situations will only work as long as the rules and recipes or character traits are right and complete, but just knowing the rules or prima facie virtues doesn’t tell you whether they are right or not for any given case; and knowing the rules doesn’t help you see whether they need to be modified, discarded, or new rules added, and what they should be if new kinds of cases arise. If one is a legislator or business manager, or a top military officer faced with devising new laws, rules, strategies, or policies just knowing what the current ones are is not much help.

And in ethics, as in math instruction, there is a more serious impediment with teaching by algorithm. Algorithms allow one to work problems one knows or is psychologically prompted to believe the algorithm will solve, like those at the end of a textbook section or chapter, but algorithms do not by themselves let anyone know what to do in cases where the problem is not given as one requiring a specific algorithm. Algorithms do not even let one know that one is facing a problem that it could be helpful to use it to solve. They don’t help one recognize problems not already known or psychologically implied to be in a particular format. This shows up in real life, but it also even shows up on comprehensive tests which cover many chapters and algorithms where students do not recognize a problem as similar to ones they have previously worked on. Even in simple arithmetic, it is one thing to learn how to multiply various size numbers, but quite different to know whether a problem one is facing needs multiplication to solve it or not, and if so, what to multiply.

Also, if someone uses a wrong algorithm, they cannot even see the answer it generates is incorrect, because they use the same algorithm to check their answer, giving internal consistency for the wrong answer. There is a word problem that illustrates this well: there is a one mile long oval track that to qualify for a race you have to do two laps with a total average speed of 60mph. You have some sort of engine problem the first lap which allows you only to do it at 30mph. But the problem spontaneously clears up at the end of that lap and the engine will now run at full speed. So how fast do you have to run the second lap to qualify for the race? Most people say 90 mph because (30 + 90)/2 equals 60. A few people say 120 mph, reasoning that if you did the first lap at half the necessary speed, you should do the second lap at twice it. But the correct answer is that you cannot qualify for the race no matter how fast you drive, because to drive two miles at an average of 60 miles/hour or more, you have to finish the entire two miles in 2 minutes or less. However, you used up the full two minutes just doing the first mile at 30 mph.

But if someone doesn’t understand that is how one has to compute the problem, that doesn’t show them their answer of 90 or 120 mph is wrong. And it would do no good to show them the qualifying race, because if they really believed that 30mph + 90mph averaged the 60mph, they would say the driver did meet the qualifying condition. You could say it took him more than two minutes to run both laps, and they would agree, but say that is not how you determine the average, and that it was simply by adding the 30 and the 90, then dividing by 2, or they would say that half the speed combined with twice the speed, gave the correct average speed. And they could point to cases where that would be true, cases in the first instance where the amount of time spent at each speed was the same. If you drive one hour at 30 mph and a second hour at 90 mph, you will have driven 120 miles in two hours, which is 60 mph. In the second instance, it works where you drive half the time at the faster speed that you drive the slower speed, so if you drive two hours at 30 mph and one hour at 120 mph, you will have driven 180 miles in three hours, which again, averages 60mph. The fact that there are some similar sounding problems with conditions which make a particular algorithm work to get the right answer does not show it is the correct algorithm to use to solve this problem. The conditions are too different, even though that is not apparent at first glance.

The analogy with this for ethics is that one can always find evidence for one’s conclusion if one ignores relevant facts, and if one is only looking for those cases where one’s reasoning does work to give the right answer – even if that is by coincidence or fortunate circumstances. Deontological approaches, for example, ignore the amount of good or harm done, and may ignore other ethical elements such as fairness to the agent or to others, justice, merit, etc. depending on the rules or principle one is following. For example, laws are not always fair or just, even though supposedly they comprise the basis for the criminal justice system. But deontological approaches do work in those cases where fairness, merit, amount of good or harm done by any other option, etc. are insignificant compared with the elements the principle being used does take into account, such as where one has made a promise or signed a contract and no circumstances appear or are involved that would give any kind of good or overriding reason to break it. That doesn’t make deontological principles always right. And it doesn’t mean one should always keep a promise, if, for example, doing so would cause a great deal of unnecessary harm to innocent people, and gain nothing other than keeping the promise that should not have been made in the first place.

On the other hand utilitarianism ignores rights, justice, merit, fairness to the agent or to others, etc. also. But in those cases where the amount of good done or harm prevented is significant and there are no rights violated, unfairness or injustice being done, or any other kinds of deontological violations, utilitarianism will give the right answer. Similarly if you have to choose between two options that differ only in the amount of good they do you, then either utilitarianism or egoism will give the right answer. That doesn’t make utilitarian or egoistic principles, or any principle that considers only the consequences or ends, always right.

Similarly if one is considering the right virtues for a given cases. There are, for example, many situations where clearly it is wrong to lie and many situations where loyalty is important and right. But that does not make honesty and loyalty universal, absolute principles, because it would be wrong to be loyal to evil people or an evil cause; and honesty would not serve an undercover drug agent well or a spy for a just cause in a war, and it would not be wrong to lie to the SS seeking Anne Frank’s family in Nazi Germany.

The difference in regard to math and ethics is that many people normally know they are not good at doing math, but few think they are not good at doing ethics. So while students in a math course left to devise answers to word problems may be confused or in disagreement about what the right answers are, that does not make them think there is no right answer[[19]](#endnote-19) or that math is relative or subjective, or that the right answer depends on which formula you use and that there can be as many right answers as there are formulas. For some reason, that is not the conclusion they reach about disagreements or confusions in ethics.

What I call the new relativism in ethics is the view that there are right answers, but they depend on which principles you accept or apply, generally from among the standard principles given in most ethics textbooks: rule or act utilitarianism, virtue ethics, Golden Rule, Kantianism, Rawlsian justice, ethics of caring, etc. This is different from, but no less false than, standard relativism which is normally the view that ethics is entirely a matter of personal opinion and that there are no right or wrong answers when people disagree, and that people should just “agree to disagree” because there can be no proof about who is right, so any believed answer is as good as any other in any particular issue or moral problem. The new relativism implies there are a limited number of right answers and that they depend on which principle of ethics one chooses, champions, or espouses from among principles which work in various cases and can be seen to have merit. The principles themselves are relative or subjective, but once chosen what they imply is not.

In this conception of ethics and ethics education, one uses the principle or theory that somehow seems best to one, and that then makes right the choice of acts or options that follows from it. Hence, it is common for ethics exercises in courses to ask what a Kantian would decide or what a utilitarian or virtue ethicist would decide. And it is common to see claims of the sort “If you are a utilitarian, then … would be right, but if you are a Kantian than … would be right.” For example, one might say if you were a Kantian, you would know it is wrong to assign a value to human life… as is sometimes done in calculating the cost of likely litigation in ‘wrongful death’ suits to determine whether it exceeds the cost of a recall or as might be done in trying to determine whether a medical treatment should be covered by insurance. But shouldn’t you know it is wrong to assign a value to human life for monetary cost-benefit analysis, even if you are not a Kantian? It is not Kant’s principle that makes that true, but its being true that gives credibility to that aspect of his principle.

But surely you cannot rely on the answer given by an arbitrarily chosen principle, even if that principle has many useful applications, any more than you can expect an arbitrarily chosen math formula to give you the right answer to a word problem, even if that formula works to solve some particular problems, and even if the answer in the math or the ethics cases turns out to be right by coincidence. If you could make acts be right by selecting principles that implied them, then using a principle of cannibalism would justify Jeffrey Dahmer’s behavior. The main problem with any form of ethical relativism is that if it were true, there would be no point in trying to discover what is right or what one’s obligations are, particularly if one has to agonize about a duty that is not pleasant. Just choose whichever option is easiest and/or most personally satisfying and be done with seeking what is morally right. There is nothing to discover other than what one favors, as in favoring chocolate as the “best” flavored ice cream. At most your search might involve trying other flavors to see whether you like them as well, but there is no need to do that if you are really happy with chocolate. So if you are happy with utilitarianism or ethical egoism, then there is no point in worrying about duties that might conflict with it. Your search is done.

But as William Frankena (1973) pointed out, because there are both flaws and good points in many of the standard ethical principles, it is necessary to use what he calls a mixed principle -- a principle that is part teleological (based on the amount of good or harm done) and part deontological (based on elements other than amount of good or harm). However, Frankena mistakenly thought that a two element principle, combining justice with beneficence, would suffice. Even if it is possible to derive, as he thought, all obligations from those two elements, it is not generally readily apparent how to do that. I think it better to have a principle that, when understood, spells out reasonably clearly and readily apparently **all** of the particular elements that need to be taken into account in any ethics matter, with a way of prioritizing them – particularly those elements which are not commensurate, and which thus do not readily allow simple quantitative comparison, such as in trying to weigh an option that does more good but is less fair against an option that does less good but is more fair. One has to somehow try to determine whether the amount of additional good done by the first option is reasonably worth the unfairness or not.

I utilize a principle I have developed (and continue to develop) that I think is correct (or at least on the right track) and helpful. It basically says that at least all the following elements need to be considered, even if in particular cases, it might turn out, *upon* consideration, that some of them do not apply or are not as important as others[[20]](#endnote-20). But it would be a mistake to ignore these elements or the possibility of their being significant and relevant by utilizing a principle or theory of ethics that itself ignores them:

* Amount of good or bad (Kant’s and other deontological principles ignore this or at best take it into account in some indirect way; e.g., the Golden Rule and one version of Kant’s Categorical Imperative assume, incorrectly, that you would not want anything bad for yourself, whereas at best you wouldn’t want anything you perceive to be bad for yourself.)
* Fairness and reasonableness of distribution of the good and bad natural consequences (e.g., benefits and burdens or good and harm that are a result of the act itself, not of any punishments or rewards, particularly undeserved ones, for committing the act) (Utilitarianism and some deontological principles do not take this into account.)
* Fairness and reasonableness to the agent expected or required to perform the act (Utilitarianism and egoism do not take this into account. In some cases Kant’s categorical imperative does not take it into account since the fact that everyone’s doing something might be wrong does not show it is wrong for some people to do it; e.g., it might be okay for five or ten people a day to walk on public grass, if that will not ruin it, even though everyone’s walking on it would ruin it and there would be no grass there.)
* Deservingness of good consequences (Utilitarianism does not take this into account.)
* Rights or violations of rights (If utilitarianism takes this into account, it is only indirectly at best.)
* Whether an act inflicts, is likely to inflict, or attempts to inflict unfair, needless, reckless harm (Utilitarianism does not take this into account, since there is no bad consequence, for example, to attempted murder that misses so badly no one is even injured, let alone killed.)

Insofar as one can analyze a potential ethical issue (particularly a complex one) by determining which of these components are relevant and to what degree and by determining what the relationship or relative merit among them is or should be, often by discovering analogies with clearer, more definitive, uncontroversial, unemotional, simpler issues, one will be proficient at doing ethics. It takes understanding the elements and practice weighing them against each other in different cases. Not everyone is interested in spending the time or effort to develop that understanding and facility, any more than everyone is interested in studying the law, much of which involves similar concepts and the cases that utilized them. But legislation and case law do not always conform to ethics, and it is important to be able to see when laws need to be changed and when case law needs to make exceptions based on important previously unnoticed distinctions. Particular case law also sometimes needs to be determined to have been mistaken and stare decisis for it challenged which might invalidate or overturn past rulings and precedents.

There is more to it than this, and the principle I use is:

An act is right if and only if, of any act open to the agent to do, its intrinsic or natural consequences, apart from any extrinsic unfair rewards or punishments, bring about the greatest good (or the least evil, or the greatest balance of good over evil) for the greatest number of deserving people, most reasonably and fairly distributed, as long as no rights are violated, as long as the act does not try to inflict needless harm on undeserving people, as long as the act does not needlessly risk harm in a reckless, negligent, heedless, or irresponsible manner, and as long as the act and its consequences are fair or reasonable to expect of the agent.\* Rights have to be justified or explained or demonstrated; not just anything called a right is actually a right. Further, the amount of goodness created or evil prevented may, in some cases, legitimately override a right that a lesser amount of good created or evil prevented may not. Overriding a right is not the same as violating a right.

\*What is fair and reasonable to expect of an agent:

It is fair or reasonable for people to do things at little risk or cost to themselves that bring great benefit, prevent great harm, or create a much greater balance of benefit over harm, to others. Apart from cases where an agent has some special higher obligation that he has assumed or incurred, as the risk or cost to the agent increases and/or the benefit to others decreases, an agent is less obligated to perform the act. At some point along these scales, the obligation ceases altogether, though the act may be commendable or "saintly" to voluntarily perform (that is, it may be "over and above the call of duty"). At other points, the act may be so unfair to the agent -- may be so self-sacrificing for the agent to perform, even if voluntary, and/or of so little benefit to deserving others, that it would be wrong. (Not every act of sacrifice or martyrdom is all right or acceptable.) [This paragraph is part of the principle, not a principle in itself. It is necessary for an act to be right that it be fair and reasonable to expect of an agent, but it is not sufficient.]

This principle and the rationales for its components are explained in *An* *Introduction to Ethics* (Garlikov, 1995). While just seeing the condensed version makes it seem difficult, it is not that difficult once one understands how it is constructed and why. But achieving that understanding is not easy; and even when one understands how to use it, it does not given an automatic answer in complex situations, but simply tells you how to dissect and analyze the complex components into ones that are more manageable and hopefully amenable to specific arguments. For many students today, particularly in online courses where, as pointed out, there tends to be less student/teacher interaction and where the duration of the course is less than a full onground term, it is difficult for students to get sufficient practice and feedback to understand how this, or any similar, principle is constructed and how to use it well. And it is difficult in the time frame to get them to begin to see their own intuitive ethics is not reasonable or likely right, particularly in complex situations. So there is a natural resistance by many students even to want to try to learn this or any other complex principles of moral philosophy.[[21]](#endnote-21) Many students, and some philosophers, seek only some sort of overly simplistic, reductionist principles, but most principles which do not include built-in exceptions will fail to give correct results, as in the claims that lying is always wrong and loyalty always right.

Resistance to learning is not a problem with students who want to learn and who are reflective, but normally one course (even one that is 15 weeks long, but particularly one that is 6, 9, or 10 weeks long, as many online courses are) does not give sufficient practice to allow proficiency, not only in resolving ethical issues satisfactorily but in recognizing them. I raise the issue in class of a fair way to determine wages for your employees if you start up a business. Most students just automatically assume starting salaries should be lower than for those with longevity, that those with more experience and/or more education should be paid more (even though sitting in classes or being on the job longer doesn’t necessarily make one commensurately more productive or knowledgeable, and even if the new hires and the old hands are equally productive), that managers and supervisors and bosses, etc. have more responsibility than lower level employees, and that more responsibility deserves high wages. They resist the idea that managers may merely have different responsibilities from lower level workers, not more responsibility, and not necessarily more important responsibility.

Or if you raise the notion of fairness in regard to athletes and entertainers making far more than teachers, nurses, soldiers, firemen, coal miners, etc., many students think that is perfectly fair and unproblematic for at least two reasons: 1) no one makes someone go into teaching, nursing, or the military, and they know what the salaries are before they start, as if that made those salaries fair, and 2) good athletes and entertainers are rare, but there are many teachers, nurses, and police, etc. so supply and demand makes it fair that athletes and entertainers make much more money. If you raise the issue of cosmetic surgeons in wealthy suburbs making far more money than internists in lower socio-economic areas, or than public health physicians or medical school researchers/teachers, they think that is fair because, again, it was a free choice and because of supply and demand by those with money to pay for it.

It is difficult for students and most people to see there may be issues of fairness[[22]](#endnote-22) about how some of the elements of the system works, that supply and demand may not be the fairest way to determine what to pay your employees or charge your customers, that one might have an obligation to try to do as much good as possible, not just make as much money as possible, particularly when making money causes harm or is in some way unfair, and that one might want to amend capitalism in certain ways that simply make it fairer, without having to abandon it for some form of socialism which they think is unfair and unreasonably rewards sloth. They have no general concept of exploitation of people’s circumstance as being unfair, and though they think, for example, that if a fireman, soldier, or policeman demanded hundreds of thousands of dollars to answer a call for help it would be outrageous exploitation and gouging, they do not have any problem with physicians or hospitals requiring such sums to do their work, normally under far safer conditions. It is not that I am arguing here for specific changes, but just trying to point out the difficulty of getting people to see moral problems that are disguised by traditions, accidents of history, and arbitrary faulty intuitions.

They seem to think any form of recommended change makes one a socialist or communist, even though clearly modern capitalism is much more humane than the early draconian, Darwinian, Dickensian form of it without being socialist in nature. And they cannot see that athletes and entertainers make so much more money because an hour of their labor can serve millions via broadcasts and recordings, whereas teaching that requires much interaction with students, nursing, police work, and other labor-intensive jobs which cannot be mass produced or delivered, cannot do that and cannot therefore make as much money unless someone is working for someone extremely rich and most generous, or can tap into the deep pockets of pooled insurance premiums and benefits, which not all forms of work can do, and which is a form of lottery or socialistic Marxian pooled resources of each according to his ability to pay premiums to each according to his needs in the form of valid claims. And they cannot see that which kinds of work can be mass produced and which kinds cannot are accidents of history and technology, which makes basing incomes on them possibly not fair in at least some way.

At the company level, many corporations still see no ethical issue with giving gifts or other sorts of benefits to 1) government officials who regulate them, who appoint such regulators, or who might be called upon to investigate or possibly prosecute them, or 2) to purchasing agents of companies they are trying to supply. One major utility a few years ago gave the state’s attorney general and his family tickets to their skybox for a professional sports event, and neither the company nor the attorney general saw anything morally problematic with it. The company now is more sensitive to the perception of that being a problem (borderline bribe or at least currying of special favor that could prompt favorable legislation or avert unwanted litigation), and in their moral code prohibits gifts “except where legal and appropriate”, so it is not clear they really get the point. If such gifts are not meant to curry the favor of people in power, why does the company not give them to “regular” people chosen randomly from among their customers? In Alabama each year the Birmingham News investigates gifts received by government officials, such as a free trip for them and their spouses to a luxury resort in the Bahamas, and prints the excuses given for their accepting them – excuses of the sort one might expect from third graders. All say the gifts do not affect or compromise their judgment. One senior state legislative leader said that without such a gift he could not afford to take his wife to such a nice resort. The industry association that financed taking key Alabama legislators to the Bahamas that year said it was an opportunity to be able to meet with them to educate them about the needs of the industry. So they flew the legislators and their spouses to the Bahamas and paid for accommodations and food in a nice resort even though the Alabama legislature is based in Montgomery and so is the headquarters of the association that claimed it more convenient to meet in the Bahamas.

Or in the days when cell phone companies sold plans based on limited minute usage with overage prices for any additional minutes used, at least one company had two practices that seemed unfair, particularly if intentionally misleading or exploitive. 1) If someone’s bill was high because of overage, they recommended going to a higher cost base rate plan to have more minutes. That was certainly fair. But they didn’t tell the client that any overage costs per minute on the higher base plan would be significantly higher so that the cost of the new plan might end up being even higher than the cost of the smaller base plan, even though there were more prepaid or ‘base’ minutes included in it. 2) They didn’t point out that changing the plan started a whole new plan instead of just amending the old plan in the small specific way, and that sometimes eliminated some of the benefits of the old plan that were important to the customer, and that were very costly to find out the hard way were not part of the new plan. Moreover, the old plan could not be reinstated.

It is, of course, possible that the company didn’t mean to exploit its customers in these ways, but if that were the case, they should have a remedy for those who are exploited by it. One company that later became part of T-Mobile had such a remedy for any misunderstandings or legitimate complaints. After having had a bad experience with one company and hearing about the experience of others, I called this company to inquire about beginning a cell plan with them for my family, particularly so that we could talk with the two children who were off at colleges in other states, and so they could talk with each other. Remember this was at the time prior to standard unlimited minutes of talk and when landlines were everywhere for free local calls of any duration. The best deal seemed to be from a company that offered unlimited mobile-to-mobile minutes, no roaming charges, and an adequate amount of anytime minutes for any calls to any other phones. I explained where my daughters were going to college and asked if there were any hidden charges or problems and was told there would not be any problems.

That turned out to be false, based on the significance of a technicality, I as a customer had no way to appreciate until too late and which the customer service representative did not realize might cause a problem by not meeting the criteria I was seeking in starting a new plan. My younger daughter was in school in North Carolina and this company did not have its own towers in North Carolina, but had a reciprocal agreement with AT&T for use of their towers, without invoking roaming charges. But it did mean that the minutes of talking between us and the North Carolina student were not unlimited ‘mobile-to-mobile’ minutes – because the actual rule was that it was free mobile-to-mobile minutes on that company’s towers -- but were billed as ‘anytime’ or general minutes, which could add up pretty quickly since a five minute call between us was five ‘anytime’ minutes on her line and five ‘anytime’ minutes on my line, which thus were ten ‘anytime’ minutes for the account that month. The company handled the problem by giving us extra free anytime minutes whenever I called in time to let them know we might be running short that month. There were only two or three months during her four years of college that I had to ask for the extra minutes, and they courteously complied. That seemed to me to be a fair way to address a misunderstanding or problem that I think was no one’s fault and that was not intended or expected to take advantage of any customers. I thought it was fair to me as the customer, and I hope, and assume it did not take unfair advantage of the company or cost them much, if anything, to honor for me.

Possibly the original customer service representative could or should have known there might be some sort of problem, but since s/he didn’t, and since the problem was so esoteric, I could not fault him/her for not realizing. Even after the first bill, when I realized there was a potential problem, the customer service representative and I had a difficult time trying to figure out where we were going wrong, since s/he confirmed all the features of the plan that were what I had been told as we went through them individually. I had to ask specifically why the mobile-to-mobile were being counted as ‘anytime’ minutes for which there was a limit, instead of as unlimited mobile-to-mobile minutes, before what was potentially problematic or wrong came to light.

Or consider DirecTV’s marketing one year, which they since seem to have abandoned, (most likely because of consumer backlash, I presume). They advertised “the NFL Sunday Ticket” (broadcasts of all the regular season Sunday NFL games) in HD (high definition television quality). Customers who already had DirecTV with HD programming in general paid for the programming package they chose and paid an additional relatively small monthly fee that allowed them to see in HD all those programs in that package that were broadcast in HD (as well as in SD, standard definition) quality. If you added a premium channel, such as HBO or Showtime, you then saw any HD quality movies shown on it in HD as well. There was no additional HD fee above the general original one you paid each month. Customers called to order the NFL Sunday Ticket, and the first week of the regular season, the quality, clarity, and colors on large screen TVs were spectacular; it clearly met the advertisements.

The second week, the picture was not clear. Something was wrong. Calls to DirecTV were answered by an automated voice recording saying that if you were calling about picture quality, you needed to purchase the HD part of the Sunday Ticket for $100 additional fee above the cost of the NFL Sunday Ticket, which was already fairly expensive. Moreover, no part of the Sunday Ticket package itself was refundable, so you either had to watch the next fifteen weeks with a fuzzy, low quality picture on a large screen TV, or you had to pay the additional $100 fee to have “the NFL Sunday Ticket **in** HD”. The reason the picture quality was in HD the first week was a free bonus, customers were told. When the Sunday Ticket was purchased by phone order, customer service representatives did not say the programming would only be in SD unless a $100 additional fee was paid for the HD part.

While technically, buying the general HD option from DirecTV (for all other programming) and buying the Sunday Ticket did not mean you were buying the advertised “NFL Sunday Ticket in HD”, it was pretty clear the company knew that was implied by the ads and by how all their other programming worked, and was why they gave the bonus week to entice new customers and why they had the voice recording ready for the deluge of calls they were likely to receive. As far as I know, the company relented and gave very angry customers the HD part for free, but I presume they charged the fee to those who did not put up a fight. After that year, the HD was included in the NFL Sunday Ticket, but the price for the Ticket was itself higher. While they learned from their mistake and corrected it, to their credit, they probably should not have made the mistake in the first place. They should have seen they were advertising “the NFL Ticket in HD” in a misleading and unfair way. The Ticket itself was not in HD; you had to specifically ask to buy the Ticket **in** HD, at which point you would, presumably, have been told the cost would be $100 more than just the cost for the Sunday Ticket, and you could have decided then whether to subscribe for the season or not.

For one last corporate example, BlueCross BlueShield of Alabama (Garlikov, 2012) had (and may still have) at least two practices I consider to be unethical: 1) denying claims for treatments that were in a covered category by saying that the treatments fell instead into a different category that was not covered; one less harmful example being that, for one period, although prescription pharmaceuticals were covered and maternity vitamins were pharmaceuticals that could only be bought with a prescription from a physician, they were instead called food supplements by the company, which were not covered[[23]](#endnote-23), and 2) not allowing appellants to attend or present their case to the appeal review panel; appeals were presented to the panel only by the official of the company who denied the claim in the first place. Not surprisingly, it was often denied again for the same reason it was denied in the first place, even if that reason was factually false. It was of particular interest to me that the company was in the market to hire additional attorneys. I strongly suspect they would not have needed to do that if they treated claims and appeals more fairly and ethically to begin with and if their categories were more clearly explained and the many common ‘exceptions’ to them were listed in policy sales information so that potential customers could see what they were actually buying. Legally defending morally indefensible practices may pay off monetarily in the short run, but it is questionable that it will do so in the long run, particularly if more ethical competition is able to enter the marketplace or if the company is ever found guilty of a major legal transgression or deceitful practice and assessed a very expensive penalty.

**Motivating Ethical Behavior Which Is Not in an Agent’s Own Best Interest**

There is sometimes a difference between knowing what is right and being motivated to do it rather than doing what is wrong but potentially beneficial to oneself or to a friend or loved one. Normally people will do right acts which they perceive will also benefit them well, as in those “win/win” models of behaving or management which do not violate other elements of ethics – rights, desert, reasonable distribution of burdens and benefits, specially incurred obligations, etc. So normally there is no need to provide any additional motivation to do those kinds of right acts. That is why a statement on the news one night seemed odd. A person talking about improving airline safety after a commercial crash involving pilot error said that pilots needed more experience flying manually and they needed to be motivated about safety. I would have thought being in the plane yourself would be motivation enough about flying it safely. My father-in-law was a bomber pilot instructor during WWII and whenever his plane was to have maintenance, he had an ongoing understanding with the service crew chief that the chief was going up with him for the first test flight after the service. He said he got great service. But perhaps the news comment meant that procedures needed to be put into place to avoid pilot complacency about safety if that is a potential professional hazard, not an implication that pilots were not conscious or caring about their own safety.

But I contend that many decent people will also naturally follow a win/not-lose model, by which I mean that they will help others with no benefit for themselves, as long as the risk or cost to themselves is not perceived to be too great (Garlikov 2013). This is often implied in the response to thanks for help by saying “You are welcome, but it was really nothing. I didn’t have to do anything really.” This is consistent with that portion of my general principle that states the criterion for what is reasonable and fair to expect of an agent – essentially to do what is also otherwise right, according to the other conditions in the principle, if the risk or cost to the agent is not incommensurate with the gain for deserving others (apart from those cases where one has incurred a special obligation to act even in the face of some greater risk to what is important to oneself). Unfortunately people do not always realize that something requiring little effort on their part can be very important to another person. A common example is knowing that someone you think deserving needs a job and knowing that a friend of yours could likely have one for them, but instead of calling your friend you tell the person seeking the job to call and tell him/her you told them to call. That has almost no weight to the friend. Instead you should call the friend yourself and recommend s/he consider this person for employment. That would be far more beneficial at very little cost to you.

Therefore, overt statements of ethical principles matter from a practical standpoint, because the mistaken principles of “win/win” or “greed is good”, if promulgated enough, tend to make people forget their own normal tendencies, as well as their obligation, to help people “win/not lose”, meaning to help others even if it will not benefit oneself, as long as it will not cost or risk that much to oneself. And, for another example, it is important not to state as a principle to do what is in one’s own self-interest when what should be stated instead with regard simply to self-interest is that one should do what is in one’s “enlightened self-interest,” which in part entails helping others when reasonable, as well as not cheating, exploiting, or harming them for your own short term benefit at the risk or cost of their cooperation for your long term success. But even saying one should pursue one’s own enlightened self-interest still ignores those important cases where one should help others when that is not too risky or costly to oneself even if it is not in one’s own self-interest to do the act at all. One should sometimes do what is in another person’s interest. Insofar as people are not made to forget or ignore their natural tendency to help others as long as it does not cost or risk costing them too much to be fair to them, people also do not need additional motivation to do those kinds of right acts either. So the real issue in this section is about motivation to do what is right that might actually be in sufficient opposition to one’s self-interest to make it psychologically difficult or possibly even morally excusable to do what is wrong.

In that regard, businesses and governments should not implement policies or practices that impede the ability or desire of those who know and want to do what is right and conduct business in an ethical manner. Government regulations and sometimes corporate policies are claimed to impede business, but it is not that corporate policies and government regulation should not impede (unethical) business; it is that they should not impede ethical business – the doing of business ethically. Stephen Kerr (1995, and originally in 1975) pointed out from a psychological perspective “… the folly of rewarding A, while hoping for B”, but there is an ethical component to that too, in that it is wrong to make it more difficult for people to do the right thing or more enticing to do the right thing, particularly in those cases where they would be naturally predisposed to do what is right.

For example, an industry expert being interviewed on National Public Radio (NPR) years ago said that companies in the same industry will sometimes lobby Congress for regulatory legislation to do what they all know is right, but which would put any company who does it, without the others following suit at the same time, at a serious competitive disadvantage financially. He cited installing expensive, but important, pollution control devices whose cost would have to be passed on to customers. They all wanted to install the environmental cleaning equipment, but only if they could be sure all would do it, so that those who did would not lose customers based on having to charge higher prices than those who did not. Regulation that required compliance was one way to attain that assurance. In business, in the military, and in society in general, as Kerr pointed out, there are often impediments that make it difficult for people to do what is right even when they know what that is; laws, regulations, policies, and rules are often counterproductive to doing what is right. Those need to be unmasked and eliminated or minimized wherever possible, and examples of industrial and legislative cooperation like this one are one way, and shows that it is possible. But there is also a lot of work to be done to raise consciousness about what is right and why, particularly when it conflicts with traditional business practices which further the material self-interest of those using them and they do not know morally legitimate alternatives which would replace them with sufficient, even if substantially less, profit.

Notice, this is not about how to stop or reduce intentionally illegal behavior or intentionally morally wrong legal behavior the agent perceives, whether correctly or incorrectly, to be in his or her own best interest, insensitive to others. Unless moral persuasion can change that mindset, management, society, government, corporate policies, etc. will have to resort to extrinsic rewards and punishment to try to dissuade people from doing the wrong thing even if they don’t appreciate the moral reasons to do the right thing and refrain from doing wrong acts. It may be something as simple as enlisting their help or it may require offering rewards or threatening punishment, with enough vigilance to make those likely to follow the act required or forbidden. To do that, society, law, governing boards, and/or companies need to have practices likely to catch wrongdoers and they accurately need to make it clear the consequences of doing illegal or morally wrong acts will be much worse for the perpetrator than those of doing the right thing. That may require some sort of law enforcement or professional career incentive (punishment or reward) and sufficient vigilance to detect the wrongdoer.

Business is often claimed to be self-policing in that potential customers would avoid companies or workers who are unscrupulous. When Adam Smith (1965) wrote *An Inquiry into the Nature and Causes of the Wealth of Nations* in 1776, he most likely thought that the community response to unfair or egregious business practices would sufficiently stigmatize any miscreant who willfully cheated his customers and would be caught (e.g., the butcher who used his thumb on the scale) that it would ruin his business altogether, and that the businessman’s awareness of this would keep him honest even if he were not intrinsically inclined to be. Unfortunately in the modern world, where business is done globally or at least on huge regional or national levels, one can often get and remain rich with bad, but legal, practices before getting found out; and can still do well even after being found out, if knowledge of the discovery eludes enough people. So just being caught doing something wrong, unless you make persistent national news headlines, is not usually sufficient incentive for those who do not care about what is right. And as the aftermath of the 2007 great recession shows, even persistent widespread bad press may not cause wrongdoers a naturally consequential punishment which would disincentivize them enough to deter them. In some cases that needs to be a matter for law or institutional profession enforcement if less coercive means cannot be found to motivate less morally sensitive people to do right.

But there are approaches involving moral persuasion which respected, articulate, and reasonable ethicists can take to help foster ethical practices. A gentle or more forceful reminder about accepting personal moral responsibility for the consequences of one’s actions might be encouragement enough in some cases. Or it might need to be pointed out that a particular situation makes the consequences of an act morally outweigh the rules that would normally govern it but which in this case are flawed. People inclined to be blindly obedient to rules and/or to upholding strict “chain of command” demarcations and procedures no matter how faulty, and who insist on enforcing them no matter the consequences, need to be shown that can be morally wrong and that there should be exceptions to that when the rules or policies cause significant harm or prevent significant good and there are better options available. A good ethicist can often effectively make that case when it needs to be made. A good ethics consultant should not only be able to help businesses or individuals know what is right but also in many cases motivate them to do it even if it means making less financial profit or even taking a loss in some cases.

They can also serve as ombudsmen who field and have power to effectively deal with complaints about moral problems and stresses in the work place. Often employees, customers, and other stakeholders victimized by bad policies know what the impediments are but they have insufficient opportunity or power to change them. Their knowledge should at least be elicited by someone with either the authority to make a difference or who has the ability to speak truth to authority in a way that brings about moral improvement.

It is important to know what is right, and that is why I recommended seeking ethics specialists to review plans, practices, and policies to help show what that is; but it is also important that there not be rewards for doing wrong acts and punishments for doing right ones, making it more difficult psychologically for people to do the right thing and tempting them to do the wrong thing and make poor choices, even if they *should* know to resist those temptations. And it is important that companies have ethics specialists in a position of respect and/or power to help them resist temptations to do wrong for monetary profit.

However, some policies are blamed too much for fostering wrong acts. For example, a common medical treatment for some pathological skin growths is for a dermatologist to freeze them by spraying them for a second or so with liquid nitrogen. At least some insurance companies however will only pay for a limited number of such sprayings in one office visit; in one instance the number was reported as 7; in another, 15. That means if a patient has 18 growths that need to be sprayed, for the doctor to be paid the maximum amount for treating all of them, the patient will need to come back for another visit or two, even though we are talking about only needing another minute or two, or less, during the first visit. Some doctors -- those I would consider to have common sense and decency and who care about their patients’ costs and time -- simply treat all the growths during that first visit and accept the payment from the insurance company for what they allow for one appointment, which may even be fairly considerable. While insurance companies need to be sure they do not have rules that encourage stupid and greedy care, doctors and hospital or medical center administrators are not blameless in some cases for being obtusely insensitive and greedily mercenary in taking advantage and hiding behind insurance company’s bad rules.

One does not have to succumb to such practices, particularly if a physician or hospital has plenty of patients and is making sufficient profit. One of the physicians who invoked the skin treatment policy and would only treat the maximum number paid for during one visit, had an appointment lag time of 30 days from the time a patient called until he could be seen (possibly because patients had to have multiple visits for simple, quick treatments), so it was not as if he needed the money generated by seeing a patient twice instead of a minute or two longer. Yet he felt he deserved every penny he could get from every patient and said that any patient who thought otherwise was just trying to get free medical treatment. He had a very high opinion about how much each second of his time was worth. And it did not matter to him that the patient actually saved him time by foregoing a fuller physical examination he did not want that the appointment time was set aside for and that was billed to the insurance company. The physician did not mind being paid for time he did not work and for work he did not perform, but was adamant about being paid a maximal amount allotted for each second he did. Some ethics instruction to him or to his department head or a medical center administrator might make a difference for future patients and their care. While it is possible they would all be just as mercenary and insensitive as he was, that is unlikely.

But just as extrinsic impediments need not and do not always prevent decent people from doing what is right, they also do not always prevent bad or selfish people from doing what is wrong. External or extrinsic deserved reward and punishment are not always successful motivators to do what is right. They are not as powerful as is a person’s seeing that it simply is of profound and ultimate moral importance to him or her to do the right thing, even when it is not in his or her material best interest, and even in some cases if one suffers greatly for it. Intrinsic desire to do the right thing, and knowing that one must always accept personal responsibility for doing it, even in the face of sacrifice or risk of something important, is a much stronger motivation, and a stronger deterrent against wrongdoing. One who understands ethics will know s/he should always do the morally right thing, even at physical or material cost to oneself, but that is not the sort of thing typically taught in an ethics course, and is a particularly difficult idea to get across today to a generation conditioned to pursue their own short term, often merely material self-interest or pleasure. It is one of the kinds of ideas an ethics specialist should try to convince a company or industry to follow, particularly before litigation, legislation, or a change in public attitudes (as in the discovery and disapproval of child sweatshop labor for slave wages used to manufacture a popular product) makes it even more expensive to ignore altogether or to try to follow later. A good ethics specialist should be able to show the folly and likely fallout of pursuing short-sighted, morally flawed practices before they are put into place.

Most people refrain from theft or murder, not to avoid punishment, but because they simply know it would be wrong to rob or kill an innocent person and will not do it even if opportunity presents itself and even if the desire is strong and there is a good chance one could get away with it. For example, many people will return excess change they were given by mistake or tell the clerk, s/he is vastly undercharging them the incorrect price for an item. People are often called upon to make sacrifices or put something important to them at some reasonable risk, and those who have a strong sense of right and wrong do so willingly even if grudgingly or not happily. No one, for example (except possibly an adrenaline junky) *wants to* run into, or stay in, a building that is starting to burn, in order to save someone, but many people do it because they know it is right, when chance of safe rescue at least seems likely. Part of the role of a consulting ethicist would be to remind people, gently if possible but forcefully if necessary, of the better angels in their nature.

There is one other role for ethicists which I can only raise here, not fully explain or resolve. There need to be adequate policies for reasonable and sincere moral disagreements and genuine conscientious objection to practices, rules, or required acts. This is particularly important because unfair punishments and unjustified rewards do not bestow the kinds of natural consequences that justify or even always excuse otherwise wrong acts. In my general principle, it is only the natural consequences of an act that count for making it right or wrong, not artificially imposed consequences such as undeserved rewards or punishment. Company policies that reward wrong acts or punish right ones do not make it right to do what is wrong or to forsake doing what is right. The threat or infliction of undeserved punishment cannot make a wrong act be right, even if, in some cases, it might excuse someone from punishment or culpability for doing something that is a *minor* wrong to avoid an unfair, draconian punishment. But it is not right to, say, take unfair or harmful advantage of customers or people you supervise just because it earns you a promotion, raise, or commission, or because it helps you keep your job.

The relevance of all this to business practices and policies is that while it may be necessary to have rewards and punishments to motivate self-centered, morally impaired business people to do what is right and refrain from doing what is wrong, extrinsic rewards and punishments 1) do not always work when they should to deter people from wrong acts, and 2) they sometimes will work when they shouldn’t, thus impeding otherwise good people from doing what is right, as in the case of silencing whistleblowers about practices bad for the public interest, or as in the case of the student of mine who in the military felt compelled to obey the foolhardy fatal order of his immediate superior. It is imperative that business and government organizations have fair and morally reasonable ways to resolve conscientious objections and disputes about what is right, particularly where the consequences are potentially significant. But it is often difficult, and seems self-serving, for one who disagrees with a policy or act to make the case there should be no punishment for refusing to follow an arguably wrong policy or refuse to do an arguably wrong act. An ethicist with some authority, or with access to the ear of authority, needs to be able to make that case on their behalf in a fair-minded and impartial way.

In some cases there may be right ways to accommodate genuine conscientious objection, particularly in cases where it would be wrong to force someone to do what s/he believes is morally wrong, but the act itself is considered right by others willing to perform it, and where both sides have equal or compelling evidence for the act’s being right or wrong. There are some ethical disagreements where the balance of reasoning on each side is so close that reasonable people can see there is not a definitive impartial way known to decide between them. In such cases, or in others where there may be a more clear objective right answer, but the opposition’s objection is nevertheless understandable, then it could very well be wrong to punish a person who genuinely conscientiously objects to the policy or act and refuses to comply with it. If there is no one else qualified to perform an act that is personally objected to, that makes the problem more difficult, and sometimes one incurs an onerous responsibility because of a conflicting duty that supersedes the right to refuse to do the act.

An ethicist can help explain and resolve such cases perhaps more satisfactorily and more economically than a court trial or legal haggling or arbitration. For example consider the case I vaguely remember reading about somewhere – a teenage girl was raped, and went with her mother to the only hospital within the region to be examined and to take the “morning after pill” to prevent or terminate any potential pregnancy (depending on how one defines pregnancy in regard to how the pill works). The attending physician kept her overnight for observation but then he and the hospital refused to prescribe the pill because they considered it to cause an abortion and they were conscientiously opposed to performing abortions even in the case of rape of a single, young female, whose parents concurred with her taking the pill. Unfortunately in this case, there was no other physician or hospital available within the time frame for the girl to be able to take the pill effectively. I believe that then gave the physician and hospital a conflicting duty that outweighed their objection to prescribing the pill, because hospitals are often granted non-competitive monopoly in a region so that they can have sufficient work to survive and are considered a valuable community asset that should not be allowed to fail due to competition for insufficient supporting resources in the community to support either of two hospitals if both try to exist. In such a case, it seems to me the hospital has a special obligation to provide services reasonable to expect from a hospital in such an area (as opposed to something like pediatric oncology neuro-surgery or some other rare specialty), particularly if a hospital that would otherwise have been allowed to be in the community would likely have provided the service. The hospital’s consulting with an ethicist might have spared the girl much grief and themselves the likely ensuing expensive lawsuit. Or if the ethicist supported the hospital’s decision with a reasonable argument, though that is difficult for me to imagine, it might have averted a lawsuit or it might have lent support to their legal case if there were a trial.

But regardless of how individual cases are resolved or what ideas or principles evolve, conscientious objection cases in some form or other are some of the most prevalent in workplaces, causing stress and often burnout or worse for those who have to follow rules or obey orders they think or know to be misguided or wrong, and who have no satisfactory recourse to air their objections and achieve remedy. What is increasingly referred to in the nursing profession, for example, as ‘moral distress’ is generally caused by the directives of physicians or working conditions imposed by supervisors (sometimes overly zealous cost-conscious ones) which nurses know or strongly perceive put their patients in unnecessary jeopardy or that treat the patients unfairly and unreasonably. Objections, particularly morally conscientious ones, need to be addressed satisfactorily in the work place, and it would seem to me that an impartial ethics consultant could best, most satisfactorily, and hopefully most acceptably, do that.

Resolution of such problems will involve in part understanding the difference between good intentions and right acts. Kant is often today mistakenly, I believe (Garlikov, 2014), taken to have held that right acts involve a good will or good intentions. But having a good will or good intentions is more of a criterion for being a good person than for doing right acts, since the best intentions in the world don’t make one immune from error in deciding what is right in any particular case. Kant did hold that the only unqualified good is a good will, and that a good will was not dependent on the achievement of the best consequences (as utilitarianism requires), but only on the volition to be good. That is normally incorrectly taken to mean right acts do not require doing actual good or preventing harm, but simply wanting and trying to. That is clearly mistaken because causing much unnecessary harm or not even trying to do important good that could easily be done, surely is normally wrong. But it is not mistaken to consider a person to be good and deserving who has the volition to do what is right, even if s/he fails to achieve any good or even if instead s/he does some harm that was reasonably unexpected. I do make one qualification though, which is that the person must not be negligent in trying to determine what is right, for although one is not culpable just for being mistaken, one is culpable for being wrong if one should have known better. So contrary to the usual interpretation of Kant, and also to the principle of utilitarianism, good basic ethics knowledge will take into account desert and the distinction between good intentions and right acts, particularly in regard to determining whether punishment for a (believed) wrong act is warranted or not. One can believe an employee is wrong not to comply with a policy or a directive while believing s/he should be excused for doing so and should not be punished.

Now, combining the concepts of doing right and being a good person, sometimes the line between natural consequences and artificial rewards and punishment is blurred. Some people are motivated to do what is right because they believe in heavenly reward and punishment and others believe in earthly karma – that what you do will come back to you in terms of good or bad. They are motivated by extrinsic reward or punishment, though they also believe that such reward and punishment are deserved and right, and in some sense natural (or supernatural) consequences of doing right or wrong. However, at least on earth, karma does not always work, and bad things do happen to good people, so one cannot expect to be rewarded or even to avoid harm, sometimes terrible harm, for doing the right thing or making great sacrifices to do it, even if one *should be* rewarded and/or not harmed for that.

Nevertheless, the notion of *deserving* to be rewarded or punished is important, for if one truly wants to live in a just society, then that means one should work to be a deserving person in such a society, to help make it be just. One should not expect to be treated rightly if one is not willing always to do what is right oneself. This does not tell what is right, but just says, as the Golden Rule itself may legitimately be understood, to say, once one knows what is right one should do it, just as one wants others to do what is right when they know what that is – particularly in those cases where what is right is not in the agent’s own best material interest. It is still in his or her own best moral interest. But this gives one reason why – because it makes one a deserving person, and that is just better to be than to be an undeserving person, even if one does not get what one deserves.

But the equally or more important reason for doing what is right is for the reason that makes it right in the first place – that, for example, it does more good or less harm for most people, or that it is fair, or that not doing it would violate someone’s right. For example, the reason to teach your children well is to help them have a better life and to be better persons, not to make yourself a more deserving person. But doing what you should, particularly if it takes some sacrifice or effort on your part will also, secondarily, help make you a deserving person. What is right in business involves being fairest and doing what is best for one’s customers, colleagues, employees, managers, supervisors, stockholders, suppliers, one’s self, and one’s community, and it means knowing what that involves and reasonably and morally correctly resolving conflicting obligations to or among the different stakeholders, should such conflicts arise. Being a good and deserving business person means responsibly and non-negligently trying to know and do what is right. Good ethics consultants should help facilitate both of those endeavors in ways not generally likely to occur otherwise.

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1. **Notes**

 Typically the concern about business ethics is how a business makes its money and whether it is doing so fairly, justly, not violating anyone’s rights, not exploiting workers or using child or sweatshop labor, working under inhumane conditions, etc. But business ethics is also about how business spends its money. Since concentrated wealth has more power than money spread out, there is as much an obligation to spend it wisely and ethically right as to earn it honestly. Milton Friedman, as pointed out in the next endnote, argues the only monetary responsibility of business is to pay its owners as much profit as possible, but insofar as any business disbelieves that or believes that can still entail doing public good in order to have a good image, there are better and worse ways to spend corporate money. Ethics requires being good stewards of amassed money and spending or investing it in right ways, which it can be argued is not always done. I will not pursue that here, however, other than to mention it, but ethicists should probably be consulted not just about making money, but about using it as well. [↑](#endnote-ref-1)
2. For example, Friedman (1970):

“in [a free] society, there is one and only one social responsibility of business – to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game, which is to say, engages in open and free competition without deception or fraud.” “A corporate executive [has the] responsibility … to conduct the business in accordance with [the owners’] desires, which generally will be to make as much money as possible while conforming to the basic rules of the society, both those embodied in law and those embodied in ethical custom.”

Many states, as of this writing, have fiduciary laws that require managers to maximize legal financial profits. That would prohibit investing in doing social good that is not monetarily profitable. And Bridgman (2010) reports:

 “A group of graduates of Harvard’s Class of 2009 went on to form MBA Oath, a coalition representing more than 250 business schools worldwide. The Oath contains a pledge to ‘create value responsibly and ethically’ (www.MBAOath.org). Opponents argue the Oath violates the fiduciary responsibility of managers to maximize wealth for shareholders.”

 [↑](#endnote-ref-2)
3. It is impossible to anticipate all ways people will do wrong things, either by mistake or by intention, so a list of specific rules that prohibit or require acts is not necessarily helpful and will not be complete. The way high school student manuals of conduct become thicker each year, attests to that, since many students will use the current one to see what they can get away with that is not prohibited, but which they know is wrong and will upset the administration who then feels compelled to add new rules for the future. Floyd et al (2013) point out:

“The unending sequence of highly questionable ethical missteps of recent years confirms the reality that nimble minds can develop new ways of creating ways to sidestep the current rules of business behavior faster than those who attempt to protect the public interest.”

But that is a flaw of any formal system based on specific kinds of rules that ignore the role of judgment. There is a way around that by allowing non-specific rules or laws such as ‘wrong acts not enumerated in the other rules will be punished commensurate with their seriousness if one should have known not to commit them.’ To keep that from allowing malicious prosecution, malicious prosecution would be one of the wrongs covered by it. See “The Flaw of Legalism in Society and Education.” (Garlikov 2009). [↑](#endnote-ref-3)
4. I think there is at least one possible exception to this, which I call ‘the Lance Armstrong exception’ (for explanatory purposes that capture the idea even if it is being unreasonably generous to his cheating). For example, it seems to me that if everyone is cheating in a sport by using banned performance enhancing means *and* if that is widely known and basically ignored, particularly by officials, and if it cannot be cleaned up or there is nothing you can do to get it cleaned up, it is not really cheating to do what they are doing, because one is simply then leveling the playing field in order to compete “fairly” in the sense of equally or under the same conditions. Or consider “A Case Study – Italian Tax Mores,” in which Arthur L. Kelly (1977) explains:

“Italian [federal corporate] tax authorities assume that no Italian corporation would ever submit a tax return which shows its true profits but rather would submit a return which understates actual profits by anywhere between 30 percent and 70 percent; their assumption is essentially correct.”

The tax assessment process then becomes one of professional negotiation with the company’s filed return figures merely a starting point, but at the end

“the amount which the tax authorities claim is due is generally several times that shown on the corporation’s return….” One year “…a leading American bank opened a banking subsidiary in a major Italian city. At the end of its first year of operation the bank was advised by its local lawyers and tax accountants … to file its return ‘Italian-style,’ i.e., to understate its actual profits by a significant amount. The American general manager of the bank, who was on his first overseas assignment, refused to do so because he considered it dishonest and because it was inconsistent with the practices of his parent company in the United States”

He persisted in maintaining the return’s accuracy, and

“sent the Italian revenue service a check for the full amount due according to the bank’s American-style tax return….”

But that was not acceptable to the tax authorities, and the bank ended up having to pay the vastly inflated amount they assessed. I would argue it would not have been wrong to follow the Italian tax mores, rather than the Italian tax laws. The mores essentially had supplanted or become the de facto law. In order to make your tax assessment fair, you have to lie, even though lying about an official report of earnings and profits is normally wrong in other circumstances. That doesn’t mean it is always right to cheat when everyone else is cheating, but that it is right to do the same act and thus allegedly cheat when everyone else is and authorities won’t clean up the activity to make it honest but instead either turn a blind eye to the cheating, or take it into account as an assumption on which to base their responses. In those cases if you do not play the game, you are cheating yourself unfairly. It is also probably not lying if you say something intentionally untrue with no real attempt to deceive someone else because they expect you to lie and what you say is simply some sort of code for the truth, or opening of negotiations to arrive at it.

Something similar comes into play in baseball where teams know that a given umpire has a generous or narrow strike zone or in basketball where referees tolerate or punish more aggressive defensive play and contact. It is not exactly cheating the rules, because the rules of sports often give officials latitude and discretion (sometimes too much) to judge when the rules are met, but it can be unfair if it gives one team who knows the officials’ tendencies more than the other an undue advantage. But, again, if everyone knows what an umpire’s strike zone is or what a basketball ref’s tolerance for contact is, they are then playing on an equal playing field even if the rules are not being properly followed.
 [↑](#endnote-ref-4)
5. Normally that would mean people with a certain amount of ethics training or education, but not necessarily. Education in terms of attending class and meeting requirements (i.e., credentialism) does not necessarily result in knowledge, and ethics knowledge can come from astute reflection on experience and/or on one’s reading and listening. What is needed is someone who understands, and can explain in an intelligible, reasonable, and informative way, the ethical elements which need to be taken into account that are involved in any act or policy, and give reasonable, clear, substantially conclusive evidence how they should be prioritized if and when they conflict, and properly accommodated and weighed when the conflict is only an apparent or surface one. This will sometimes result in conflicts with the company’s or industry’s profits and current way of doing and conceiving business. But the ultimate goal is to help businesses make profits in ethically legitimate ways that are the fairest and most beneficial for all stakeholders – customers, employees, suppliers, owners, community (e.g., in not polluting), etc., even if that might involve significant ultimate restructuring of the business, which at first may seem to be too costly or too difficult. It is not that business is outside of ethics in general, but that business, as all activities in life, should be conducted ethically. Insofar as business ethics can be learned well and usefully in college, schools of business might want to consider offering a major (or at least a minor) in it, with a level of instruction and requirements that make proficiency highly likely.

Employers and managers will have to be receptive to thinking about and trying to make workable in reasonable ways ideas which they at first may believe to be too idealistic, impractical, and expensive or impossible; and ethics specialists will have to understand the practical and financial limitations they will need to help management overcome in reasonable and perhaps creative ways. For example, many businesses profitably provide products and services for people which consumers want but which are known to be bad for them; in some cases companies work hard to make those services and products even more attractive and desired, making them even worse and ultimately more undesirable for society. The goal should be to convince owners and managers to seek profitable ways to make their products and the labor they provide actually be more beneficial goods and services. In other words, profits should be sought that are ethical ones, not just the easiest ones. This is not an easy task in a free market, consumerist society that tends to seek immediate gratification even at the expense of long term quality of life. But a start needs to be made in that direction, and some companies recognize that and are trying to make substantial changes. One example of an ethical, fairly easy, and profitable business change was to rename “antifreeze” in order to make it more marketable in the summer, where it was still needed, though not obviously so, to help prevent cars’ overheating. Someone came up with the idea of calling it “antifreeze and *coolant*” which is accurate because it effectively both lowered the freezing point and elevated the boiling point of water through the same principle of physics. Advertising “tricks” can be used for good, not just for exploitive or selfish profit. [↑](#endnote-ref-5)
6. For examples of how analytic philosophy (the meaningful analysis of concepts) helps ethics, see The Concept of "Racial Profiling" (http://www.garlikov.com/philosophy/profiling.htm), The Concept of Teaching "To" the Test http://www.garlikov.com/teaching/tothetest.htm, and/or the part of  Fairness as Moral and Conceptual Relevance **(**http://www.garlikov.com/philosophy/FairnessMoralRelevance.html**)** about Major League Baseball’s wrong decision regarding “the ‘imperfect perfect’ game, and the NFL’s and NCAA’s conceptually flawed understanding of the point of instant replay rules and their ensuing flawed and unsatisfactory (for fans and players) implementation of them in practice. [↑](#endnote-ref-6)
7. Although Noel and Hathorn (2014) give evidence that “those who had experienced ethics training demonstrated an increase in ethical awareness and judgment and a decrease in the intent to behave unethically” that does not show they are particularly astute in their ethical awareness or judgment, even if they have impeccable ethical intentions. I am sure that most of my introductory students become more ethically aware and make better judgments in some cases (of the sort we specifically discuss) after the course than before the course, but the bar for that is quite low, given that most of them were not particularly ethically aware or good judges at the beginning of the course. And I would say that few if any of them attain a level of knowledge about ethics that makes them proficient in it, though the more reflective students are much better at it and are well on their way to becoming proficient, given more experience, additional productive discussions, further reading, or additional courses. There is particular reason to be concerned about what this “increase in ethical awareness and judgment” signifies, since it occurs although “the quality of the courses or training could not be determined from the survey” and “[r]egardless of the type of ethics training.” It is difficult to imagine the average college introductory ethics course or corporate business ethics training workshop provides very much proficiency in ethical awareness and judgment, even if it increases it relative to those without a course or workplace program.

Moreover, the authors give the following as “a non-exhaustive list of unethical behavior”:

“theft, abuse of privileges, disregard for cost control or quality, cheating on an expense account, inappropriate Internet use, absenteeism, discrimination, paying or accepting bribes or kickbacks, forgery, ignoring unethical behavior in others, lying to customers or supervisors, inflating forecast numbers, taking office supplies home, inflating figures to win a client, or booking an order before it is contracted”,

which insofar as they are wrong (e.g., it may not be wrong to take office supplies home if one is doing work from home or using one’s own resources of an equal or greater value at home or office to do one’s work) should be obvious to most honest people. An ethics course should not really have to “teach” college students not to do these kinds of things, but could possibly use them as examples that illustrate or help one derive general principles which can be applied to more subtle or more complex issues, particularly ones which students might not have ever thought of as morally problematic, such as how to determine fair wages in a company one owns or is founding. While the list is said to be “non-exhaustive”, all the items on it are of the same low level, fairly simple, obvious kind. Presumably a more complete list would just add further items of the same sort. In fairness, the authors do go on to somewhat more complex cases such as whistleblowing and cost/benefit analysis that ignores non-financial values, but even these are standard kinds of cases often discussed in the media, and in their article, in ways that are somewhat simplistic. [↑](#endnote-ref-7)
8. Not all mistakes, however, even ones that lead to terrible consequences, are ethical ones, though they may possibly have an ethical component. Bridgman (2010) narrates the case of the power company in Auckland, New Zealand in which the electricity (and with that the phone) were turned off for non-payment. The man who turned off the power visited the home just after doing that, but no one told him that one of the residents was on an electric powered oxygen machine required to keep her alive. The man who turned off the power even talked with the woman and saw she had tubes running to her nose, but did not inquire about it and did not realize they came from a machine run by the home’s electricity. Apparently no one in the family realized how crucial the machine was for keeping the woman alive, including the woman, because none of them said anything to the contractor about it. After the contractor left, she began to experience difficulty breathing and eventually died before she could get to the hospital.

“The [power company and the] contractor escaped blame, with the Coroner accepting that he knew nothing of [the woman’s] medical condition, the oxygen machine or the need for power to keep it operating. The Coroner accepted that had the contractor been aware of the situation, he would have followed the standard procedure and telephoned [the company] to advise them that the power should not be cut off. [He] gave two examples when he had done this in the past, one involving children with intellectual disabilities and the other a newborn child.”

 Over the years, the power company had also contributed services to those suffering from respiratory illnesses, including one year insulating, “free of charge, the homes of 50 patients of Auckland’s children’s hospital … to make their homes warmer and drier.” This was not a case of the company’s being mercenary with a “hard-nosed commercial attitude” that put profits above people’s lives. The company had omitted a service they should have provided however, in that New Zealand’s Electricity Commission had guidelines recommending power companies inform customers how to identify themselves as vulnerable customers who would face hardship if disconnected. Although the power company had a ‘Do Not Disconnect List’ that included 59 customers with medical conditions, the woman in this case was not on that list and the power company agreed that they had not provided sufficient information to people about the “process of self-identifying as a vulnerable customer.”

However, given that this family and victim did not even say anything to the contractor when he was in their home with the power shut off, it is difficult to imagine they would have complied with the self-identification process. In the aftermath of this event, the power company then voluntarily went beyond the Electricity Commission’s guidelines and included “treating all customers as vulnerable” and making it “routine that all customers calling [the company] were asked whether anyone in the household was either vulnerable or medically dependent on electricity.”

I do not see this as a moral failing by the company, but simply an unfortunate accident, except that given the almost total dependence on electricity in modern advanced society, not only for health equipment or for what might be considered luxuries, such as television or stereos, but for many things essential to a decent life, such as refrigeration, heat, computers for work or school, etc. it seems that no power company should summarily turn off power to any home without first making absolutely sure they are not causing an undue hardship and that there cannot be a way to secure some sort of payment. The fact that no one in a household will die directly from loss of electrical power does not mean electricity in this day and age is not a necessity that needs exercising great care in forcibly discontinuing without both prior notice and a good faith reasonable attempt to find out at the time what the consequences and alternatives might be. Obviously people indigent through no fault of their own need to be distinguished from deadbeats trying to have free electricity, but hopefully there are ways to do that. And there may be other considerations to take into account too. But I would say the company’s only fault here was in not considering people’s circumstances at the time in the way they apparently do now. But they thought they had sufficient policies in place to prevent a tragedy of this sort, and had anyone in the family said the woman needed electricity to run her oxygen machine, that would have been true. I am not sure the Electricity Commission’s new, stronger regulations or even the power company’s more stringent self-imposed current policy would elicit the right information in a case like this. [↑](#endnote-ref-8)
9. Joseph R. DesJardins (2011) says that we make decisions out of character more often than out of deliberation. However, that is not so much deciding as reacting, unless we can do the instant calculations based on past considerations and experience. Rules and guiding principles do not need to be re-thought each time in similar circumstances. You just need to make sure there are no new wrinkles or factors in the new circumstance under consideration. But also, the development of “character” is itself an ongoing exercise in ethics which requires first identifying and making good, reasonable choices and decisions, and correcting bad ones, as well as practicing right acts until they become natural or part of one’s character, as Aristotle pointed out in the *Nicomachean Ethics*. Aristotle did not hold that certain traits were always virtuous in themselves, even if some are generally virtuous. He held that character development was necessary to do right acts that reason determined, if those right acts were not natural – which would normally include acts that might risk or cost one something important, but which are right to do. But doing wrong acts “in character” if one has character flaws or bad character, does not justify or excuse them. [↑](#endnote-ref-9)
10. Martin L. Cook (n.d.), Professor of Ethics, US Army War College, wrote in a paper or speech, “Moral Reasoning as a Strategic Leader Competency”:

 ”I conclude by citing the observation of a friend who teaches ethics at another senior service school. In a conversation with faculty from one of the service academies, the academy faculty asked how he handled moral relativism, the idea that ethics is entirely a matter of personal opinion. This kind of relativism is, in fact, a commonplace among 18-22 year-olds, whether at service academies or civilian colleges. My friends reply was telling I think. He said, ‘I don’t have that problem. How many O-5’s do you know who are moral relativists? My problem is excessive moral certainty.’”

But actually, certainty and moral relativism are not psychologically incompatible, even if logically contradictory. Many people hold that ethics is a matter of personal opinion, and that their opinions are the absolutely right ones; it is only other people’s ethical beliefs that are subjective and relative. [↑](#endnote-ref-10)
11. Students tend to give brief, simplistic, general answers, even to complex questions. In a classroom that can be immediately addressed and the answer built upon by that student and everyone in attendance. Thus there can be many significant interactions in an hour of class. In an online course where different students and the instructor do not attend at the same time, that same dialogue, if it occurs at all, might take days or a week unless students (learn to) give fuller, more reflective and complete responses each time, so that more ideas can be discussed within each exchange. Good, conscientious students learn to do that, but most students in undergraduate courses (particularly lower level courses) do not do that and do not know how to do it. Unfortunately, college online programs seem to be reluctant to try to teach it as a prerequisite skill for taking online courses. [↑](#endnote-ref-11)
12. E.g. Razaki and Collier (2012): “Ethical decision-making, by its very nature, is making a decision within the context of competing values.” Or e.g., Brody (2012)

“For instance, [in one course question a] Wall Street broker is confronted with a conflict between the duty of loyalty to his employer to sell the stock and sustain the fortunes of the company, and the duty of truthfulness: to accurately advise his clients of the quality of the stocks he sells. … To highlight the competing duties at stake in this scenario, students of the author’s classes are asked to play-act an accommodation that serves both duties. The successful students manage to imply the truth to the brokerage clients through hints, humor, body language, fluctuations in intonation, and other means of indirect communication, yet avoid the direct violation of their employer’s order.”

But on many levels surely this is not a good solution: 1) it is not being loyal to the employer to indirectly subvert his/her directives; 2) it is not being truthful merely to indirectly and subtly or vaguely hint at the truth to the clients, even if the client happens to understand the hint. If the client does not understand the hints, one has failed to communicate the truth to him/her – it is not as if one gave a clear warning that was ignored, but that one failed to give a clear warning. It does not absolve the employee of failure to inform the client, and it does not make it the client’s fault or show that s/he was too stupid to know there was a warning or that significant factual information was being given. 3) One’s job or profession’s directives do not make an immoral act moral, and there is no duty to obey immoral directives. Saying one has a duty to one’s boss or to the rules of one’s employment or profession is no different from claiming one was “just following orders,” which is neither a justification nor a legitimate excuse for doing something wrong. Brody claims:

“This concept of integrity – quietly trying to accommodate multiple duties – flies in the face of the popular belief that integrity requires a public and uncompromising commitment to a single duty.”

There can, of course, be multiple duties, and even conflicting ones which are equally balanced. But this is not one of them; this is using a very lame attempt to achieve both of two mutually exclusive prima facie obligations, one of which is patently unfair to the client and is therefore morally wrong and not a duty at all in this kind of circumstance. The directive is basically the one mocked by the common expression “to put some lipstick on this pig” meaning to apply a cosmetic cover-up to a basically flawed or unattractive foundation in order to gain a deceitful advantage in a transaction. And it is not made legitimate by an unsuccessful, merely probabilistic attempt that might have possibly alerted the client to the cover-up if only the client were some sort of shrewd enough communication detective. [↑](#endnote-ref-12)
13. Some students use cultural principles, but often incorrectly. For example, one student argued against capital punishment for even the most heinous crimes by citing the Declaration of Independence’s unalienable right “to life, liberty, and the pursuit of happiness.” But he was arguing for life in prison, which hardly allows for liberty or much pursuit of happiness. If there can be exceptions to the rights of liberty and the pursuit of happiness for criminals, why not an exception to the right to life. Whether there are better grounds for opposing capital punishment or not, this one will not work, unless one is prepared also to quit imprisoning, or perhaps even punishing people for crimes they commit. [↑](#endnote-ref-13)
14. Kermis and Kermis (2014), following Palazzo, Krings and Hoffrage (2012), though I believe “ethical blindness” to be a common concept and phrase for which attribution is unnecessary and misleading [↑](#endnote-ref-14)
15. There are some kinds of cases (such as genocide, slavery, violent racism, political/governmental graft, etc.) that it seems one should know better than to follow cultural or subcultural norms but other cases where following a cultural norm seems to make one less deserving of punishment for wrongdoing because there is perhaps less reason, or requires greater than normal sensitivity, for anyone to notice it is wrong. I am not sure what the distinguishing feature(s) are or should be, but it may have to do with the unmistaken availability of evidence from outside the group that the traditional practice in one’s own community or group are wrong, and/or it may have to do with having a reasonably minimal level of sensitivity and decency that one should see it on one’s own. There are some acts that it is really difficult to imagine one should not have seen were wrong even if ‘everyone is doing it,’ but other acts or situations where that seems to be a legitimate grounds not to punish the wrongdoer, at least not harshly because it is difficult to imagine anyone in his/her circumstances would know any better. And there are other cases, as I explained with regard to the ‘Lance Armstrong exception,’ that may even justify ostensibly wrong acts because ‘everyone is doing them’ as long as that cannot be changed, everyone knows it occurs, and the authorities take it into account or ignore it altogether. [↑](#endnote-ref-15)
16. “Although there are a multitude of ethical enforcement mechanisms and transaction costs that can be created to attempt to prevent misconduct, creating better monitoring systems tend to be after-the-fact efforts to redress moral lapses and illegal behaviors.” (Floyd et al, 2013). Even when these do work to prevent repeats of the same transgressions, they rarely, if ever, thwart or avert new or different ones. [↑](#endnote-ref-16)
17. At a predominantly black community college, I had one student one course who held that black people, like him, would never get a fair shake until black institutions, such as banks, real estate companies, colleges, etc. were owned and run by blacks, which would then automatically remedy the problem. I brought in a prominent black banker to explain why that was not the case at least with regard to banking, and I gave other arguments throughout the term to try to get him to see he was mistaken. Nothing worked. The last day of the course, the black Vice President of the college came into my class unannounced and uninvited, and berated this student and a black companion of his for what he considered improper etiquette in my classroom, though it was not. I defended the two students and asked the administrator to support his position before the class. He humiliated himself in successive attempts (with a little help through my normal Socratic questioning of his answers my students were used to), and became frustrated, angry, and threatening. But he finally left the classroom. I looked at the student and pointed out that if the administrator had been white, “you would have said he was discriminating against you. So what do you call it, given that he and you are both black?” He said he didn’t know and would have to think about it. I then asked “Then tell me this; if you had the choice between attending a college run by him, or one run by me, even though I am white, which would you choose?” He reluctantly admitted he would rather attend mine. I don’t know that that disabused him of his prior general belief or not about what was necessary and sufficient for blacks to get a fair shake from institutions. But it was probably my best attempt all term. [↑](#endnote-ref-17)
18. (Razaki and Collier, 2012):

 “Most business ethics text books … lead students through dry, complex summaries of utilitarianism Immanuel Kant, John Rawls, and a few other theories, devoid of philosophical or historical contextualization of the development of these theories and their conversation partners. … Students memorize the theories, practice applying the steps [in them] such that they can do so on an exam, and are able to pass their ethics requirement. … What does such a course truly prepare business students for?” [↑](#endnote-ref-18)
19. That ‘there are no right answers’ is a common point made in many ethics discussions. Wright et al (2014), for example, gave a questionnaire to 322 college students asking them to rank their personal preferences among six ethical claims or principles ”remembering there are no right or wrong answers”. In a sense, since there were necessary exceptions or caveats missing from all the principles, any ranking of them would be wrong or misleading. The implication is that personal opinions cannot be wrong, but I don’t see how that can be true in this case or that it is true in general. Supposedly the students would have some rationale for their preferences, and those should be right or wrong, making their conclusions right or wrong, or at least reasonable or unreasonable. [↑](#endnote-ref-19)
20. There may be other ethical elements to consider or better ways to state prioritizing the elements in my current version of the principle, but I think it is safe to say that a correct principle will contain all the elements that need consideration, and that it is unlikely any principles that use, or try to reduce ethics to, just one or two elements, as have been developed historically and are still widely being taught now, will work very well. [↑](#endnote-ref-20)
21. One of the saddest cases I came across as a teacher is that of a student who while he was in the army obeyed a foolhardy order that ultimately cost the lives of friends of his and some of the people they were supposed to protect. He was unable to see that he should have questioned the order more strenuously and disobeyed it ultimately if his commanding officer didn’t see the error of his ways. He thought it wrong to disobey a direct order, even if it unnecessarily and obviously incorrectly put soldiers in harm’s way with likely (and in this case ultimately) tragic and fatal consequences. What particularly troubled me was that this student could not even see questioning the order more strenuously or disobeying it was even a possible moral option that should be considered.

The order was to take a convoy down a long and narrow road to the airport, some twenty or thirty miles away from the base. Many of the soldiers that were to make the trip had finished their tour of duty and there was a flight to take them home. The road was safely passable only with air support, and air support needed visibility. The weather that morning was pea soup fog, yet inexplicably the commanding officer said air command said there was visibility. There was obviously no visibility. So against his better judgment, the soldier, who was now my student, took his team to lead the convoy. There was no air support. They were attacked. Three of his friends were killed as were numerous other soldiers. The commanding officer didn’t want the soldiers whose tour of duty was up to have to wait an extra day to go home. Instead they didn’t make it home alive. My student insisted there was nothing else he could have done. I argued there was, and that in a case like this it would be morally correct to disobey the order, and that even if it meant punishment for him, that would still be better than the torture and grief he was enduring now knowing how obeying the order turned out and was clearly likely to turn out. It was not that he should have known better at the time, but that he should know better now. But he could not see that.

There was a similar situation reported on *60 Minutes* where a group of soldiers dutifully went on one last mission, near the very end of their tour of duty, which was clearly to them (as they stated in a video they made at the time) a pointless and likely suicide mission. The father of one of the officers killed on that mission was a retired high ranking officer who held that it was an irresponsible order and that, when the army cleared the person who gave it, the army ethic was no longer that of the army in which he and others before him had served. He did not say in the interview shown that his son and fellow soldiers should have disobeyed the order, but to me it seemed clear that the logic of his charge of wrongdoing by the command implied that, even if he was not willing to accept that implication.

In the television series *Band of Brothers*, based on the experiences of Easy Company, 506th Regiment of the 101st Airborne Division, U.S. Army in WWII, Major Winters disobeys such a pointless, foolhardy order that calls for a second night’s patrol at the end of the war in Europe, after the first night’s risky and foolish patrol ended in the not unexpected killing of one of the members for no good reason. The implication in the movie and historically is that disobeying the order, by not sending the mission but by falsely reporting it had simply been unsuccessful, was the morally right thing to do. Just as there is a legal and moral duty to disobey an illegal order, it seems to me there is a moral duty to disobey a morally wrongful pointless and foolhardy order that puts lives in jeopardy for clearly no good reason. One cannot avoid personal moral responsibility by simply following orders. And one has a responsibility not only to one’s fellow soldiers but to oneself as well. It is one thing to accept risk or death for a mission that has a point; another, for one that does not.

And many people in the military know there is a problem with blind disobedience to orders and know that it is too often used to exploit the ethical and patriotic naiveté of young soldiers. A Colonel one time told me that it was pretty clear why the military recruited 18 year olds – because people over 30 wouldn’t put up with many of the orders and rules, and justifiably not. Trusting obedience should require greater moral responsibility by commanding officers not to give orders of the sort described here, not give them a free pass to abuse their power and authority. [↑](#endnote-ref-21)
22. Fairness is a difficult but important moral concept to understand and to try to explicate fully and well. It may be a family of concepts, each involving a different kind of fairness – from meeting the spirit as well as the letter of an agreement to not exploiting anyone or taking undue advantage of their circumstances or their ignorance, to giving people what they deserve for their work, to making sure that trades are likely commensurately beneficial to both instead of being one-sided, etc. And while it might be difficult to explain fairness, it is sometimes easier to explain unfairness. There are many different kinds of ways people can be unfair to others, all of which business needs to understand, avoid, or remedy, particularly if brought to light by a complaint that explains what is unfair and why, even if it were not likely anticipated in advance to occur.

Remedying unfairness can take a certain amount of creativity. When one-hour photo labs became prevalent and popular, I, as a photographer, came up with a plan to benefit from them rather than losing customers who were beginning more and more to take their own pictures and get them processed. I felt that what I offered as a photographer was my picture-taking skill, not just the legwork of getting film processed and pictures printed, which could now be done by anyone. So I offered clients the service of simply taking photos for them and giving them the film to have processed themselves, allowing them to get whatever prints made in whatever size and quantity they wished. That way they could get professional quality photographs at amateur/consumer prices. I guaranteed their satisfaction as long as they took the film to photo processors I trusted and named for them. I was happy to make money based on doing photography rather than charging for lab work, and my clients could then get far more pictures for far less money. The first client I did this for was a family I charged $100 to shoot a session for that involved photographs of the whole group, individual portraits of each family member, and different combinations, such as the children together, the parents together as a couple, etc. Two weeks later they called me upset because they had ordered $200 worth of prints from a lab I suggested, and the pictures were the wrong ones. I told them I would fix it, but I needed them to bring me all the film and pictures so I could see what had gone wrong and remedy it. This was not boding well for this particular business plan, since incurring expenses that were twice the income was not likely to become profitable.

It turned out that the lab that processed the original film and printed the initial prints as 4x6’s tried to do my customer and me a favor by numbering the prints for them, but accidentally misnumbered them, starting with number one instead of zero, which this particular roll of film had as the first picture. The customer assumed the pictures were numbered correctly and turned in the numbers they wanted for enlargements to a different lab that specialized in larger prints. That lab did not know the numbers did not line up with the photos the customer really wanted, so they were blameless in printing all the wrong ones in 5x7 and 8x10 size. The first lab was at fault for misunumbering them, but not to blame for the ensuing order. I knew my customer would not care about the reason they didn’t get what they wanted, so I just reordered all the pictures correctly from the second lab, and gave them to them. So I lost $100 on the deal, plus the $100 fee I had charged them. But I was able to make it up, because the first lab was part of a large camera store chain, and in those days they were able to get equipment wholesale for far less money than I could as an individual photographer. They felt bad about misnumbering the pictures and were willing to order me a lot of photo equipment for wholesale that I could not have afforded retail. It did not take much labor or any expense on their part to do that. I saved far more than the $200 I lost and was able to have some equipment I otherwise would not have bought. So what started out as a bad mistake was able to be remedied in a way that was fair and commensurately advantageous to everyone. It would not have been fair to ask the first lab to pay for the reprints; it would not have been fair to ask the second lab to reprint the right ones for free or even a reduced rate; it would not have been fair to the customer to not get them what they were paying me for. It would not have been fair to me for me to just eat the cost of the mistake that was not mine, even though I was willing to do that in order to get my customer what I felt they deserved and had paid for. Everyone felt satisfied at the conclusion, and everyone got a fair amount of profit for the work they put in. [↑](#endnote-ref-22)
23. The policy for this specific example was later changed, and maternity vitamins became covered as prescription pharmaceuticals; but the general practice continued of interpreting categories so that treatments covered under their most natural description were considered not covered under more creative descriptions which were, at best, stretches of vocabulary, often for expensive and important treatments. [↑](#endnote-ref-23)