

A Brief Introduction to *Ethics*

by Robert Rowland Smith

Should the child of a sperm donor who wished to remain anonymous, be allowed to contact him? What's the right ratio of financial compensation between the boss and the most junior person in an organisation? Is it okay to get involved in civil wars in foreign countries? Should obese people pay more for health care? Is it ever right to switch off a life-support machine? Are teacher-student relationships wrong even if the student is over 18? Is it necessary to adopt the values of the country you live in? At what point in a pregnancy, if ever, is it acceptable to terminate a foetus? If it's discovered that you have the gene for murdering, are you still guilty when you do the deed?

That's just the start of a long list of questions that are broadly 'ethical' in nature. The point of the list, however, is not its length. It's that it's made up of questions, and tricky questions at that -

questions lacking a straightforward answer, needing to be worked through. In contrast with questions like 'What's the capital of France?' and 'What is three times five?' - questions that are not ethical because they couldn't sustain a debate - ethical questions remain open. So when we use that phrase 'ethical debates', we're effectively using a tautology, because ethics *is* a debate; it is the forum where a society gathers to discuss the important matters that resist pat solutions and that divide opinion. 'Ethics' represents a minefield, a maze, a carpet of eggshells to be trodden on ever so lightly, a place where tempers get frayed, passions run high, and not infrequently hostility breaks out among the opposing sides. Which isn't very ethical at all.

Take abortion. From an ethical point of view, we know there are very broadly two positions. There's a more conservative anti-abortion position and a more liberal position sometimes known as 'pro-choice' (rather than 'pro-abortion', which sounds brutal). Which one is right? We have all heard the arguments, and no doubt come down on one side. But just because you come down on one side, it doesn't mean that someone else doesn't come

down on the other. And so the debate rages on. The question of abortion is an ethical one, in other words, precisely because it's ongoing. It exercises us as a society, and it's hard to resolve. At bottom, that's what ethics is - a set of undecidable questions of common concern, to do with what's right and wrong.

This undecidable or debate-provoking characteristic of ethics is one of the chief respects in which it differs from morals. Often the two get confused. But if you think of the world's most famous moral code, the Ten Commandments, the difference becomes clear. 'Thou shalt not kill,' for example, is an imperative that as human beings we all pretty much respect. We all know that killing is wrong. This doesn't stop us from justifying it in the case of war or capital punishment, which are sometimes described as 'lawful killing', yet the very fact they need justifying shows how they prick our conscience. Killing is wrong, we all know it, even though we justify it in exceptional cases. The commandment is not a question. Moses didn't come down the mountain with a list of questions like the ones in my opening paragraph. 'Thou shalt not commit adultery' is another commandment that we all know

carries a kind of permanent truth, even if, again, there will be some who justify it, as in the case of open relationships.

So morals seem to come from an older or deeper place, whereas ethics feel current, the sound that a society makes as it struggles with its contemporary preoccupations. Recently a law was passed in the UK allowing the daughter of a monarch an equal right of accession to the throne. No more would a daughter have to defer to a son. The only order that would apply would be age, not gender. The law was passed unanimously and swiftly because there was no more debate about it. Its ethical time had long gone: it seemed anachronistic to be voting on it at all. A hundred and fifty years ago, however, before feminism and universal suffrage and rights for women, it would certainly have been a matter for debate. Although certain ethical questions are perennial - questions such as 'Is ambition a vice or a virtue?' or 'Do I put my religion before my family?' - ethics tends to keep up with the times. It's the place where societies grapple with their own modernity.

Small wonder therefore that today many of our ethical questions are prompted by technology, which is a defining feature of our age. Think how many of my opening questions were technology-dependent, especially the ones about life-support machines and the murdering gene. Indeed, technology appears to be the biggest single factor in changing the ethical landscape. Is it ethical, for example, for a prospective employer to check out a candidate's Facebook profile? You might say it's not unreasonable for an employer to want to find out more about someone they're going to take on. Maybe Facebook is just the modern version of that old-fashioned document called a 'character reference'. On the other hand, the candidate didn't invite the employer to look, so it seems like an invasion of privacy. Whatever your view, it's not a question that would have bothered us at the beginning of this century, let alone the one before. What about downloading music without paying or recording a concert and sharing it on Youtube? Then there is 'revenge porn' or the circulation of nude pictures of celebrities, both of which are technology-enabled phenomena, both sailing very close to the ethical wind. Technology is especially prominent in our world today, and it's generating a host of new ethical

questions that we've yet to fully resolve. Ethics is the mirror a society looks into; in it, it sees itself perplexed.

But there's a deeper reason why ethical questions perplex us. Ethics is supposed to be about right and wrong, which are absolute or universal concepts. Right and wrong should be a matter of clear answers and objective truth. In theory, what's right is right, and what's wrong is wrong, no two ways about it. But when it comes down to it, right and wrong get contaminated by subjective viewpoints. People who are anti-abortion will say 'It's not right' to terminate a pregnancy, and in so saying, they are invoking an absolute notion of Right. But what they are really saying is, 'I don't like it'. The same goes for the pro-choice camp. They say 'It's right for women to have a choice', also invoking the absolute. But what they are really saying is, 'I don't like women not having a choice'. This is the underlying reason for ethical questions being so hard to resolve. Although they touch on the most fundamental matters of right and wrong, we find that right and wrong fail to act as the objective, absolute, free-standing truths we thought they were. They're just words that different interest groups exploit to justify and lend weight to their

subjective preferences. After all, if Right and Wrong really did exist as absolutes, there'd be no debate at all. If abortion were Wrong - objectively, absolutely and universally - everyone would be bound to agree. End of story.

This conundrum has become particularly acute in the domain of human rights. Take torture. Is it ethical to torture someone? The word 'ethical' in that sentence stands for 'right', as in, 'is it right to torture someone?'. Being an ethical question, it doesn't yield itself to easy answers. Typically, the debate splits into two positions:

1. Torturing people is surely Wrong: it's to inflict suffering directly onto another human being in a cold and calculated fashion. Because it's Wrong (with a capital W), i.e. because it's not ethical, it can never be justified.
2. Torturing people is undesirable, and it's probably wrong (small w). However, in certain circumstances, like extracting information that could prevent further deaths, we can tolerate its limited usage. In this sense, torture is not Wrong. It is for

the greater good, so although it's not ethical as regards the individual being tortured, it's ethical in the context of the bigger picture.

Officially, many governments espouse position 1, even if we suspect that they unofficially practise position 2. In official mode, they will often refer to 'human rights' to shore up their view, arguing that it's a fundamental human right not to be tortured. Now, 'human rights' are the way we talk about ethics on the international stage and in policy contexts, where the word 'ethics' seems too philosophical. But here's the thing. 'Human rights' are designed to refer to humanity, i.e. to the human race as a whole, with the implication that 'human rights' are universal. There's a history of 'universal human rights' that goes back to the eighteenth century, and that's strongly associated with the Enlightenment. An enlightened society, as opposed to an uncivilised society, believes that every human has a right to human rights. However, universal human rights weren't agreed on universally. They were mainly dreamed up in Europe and America, so when Europeans and Americans castigate China, for example, on its human rights record, they are applying a

standard that's not so universal after all. In other words, countries talking about human rights are only doing the same as individuals talking about abortion. The Westerners are saying, 'We don't like torture, and because we don't like it, we're going to aggrandise our position by calling it universal.' Meanwhile, the Chinese are saying 'The history of 'universal human rights' is actually a Western history. We have a different history over here. Our view of human rights is different too. We even have a different theory about humans and rights.' In this context, what being ethical really means is adopting Western values.

Given there's no universal right and wrong, be it a question of abortion or torture, just a set of local preferences, we have to confront the possibility that ethics is actually about something else. When I say 'Torture is wrong', I'm not only saying 'I don't like torture', but also 'I'm a Westerner'. The ethical position we adopt functions to identify us with a particular group. It may even be that it's the belonging to the group that matters more to us than the rights and wrongs of the particular issue. If I'm a Guardian reader, for example, I'll endorse pretty much everything The Guardian endorses. I might think this is because it

expresses the views that I hold dearly, but the underlying reason - and the deeper motivation - is that I identify with The Guardian and its readership. The same would go if I were a Telegraph reader. The ethical content is secondary to the imperative not to threaten my belonging to the group I consider myself to belong to. Ethics is strong, but belonging is stronger.

In sum, ethics is not about right and wrong, but personal preference and belonging. This is quite a bold statement to make, of course, but it's not the being bold that's the problem, it's what you do about it. Yes, torture and abortion and all those other issues are undecidable and subjective, and yet we as a society still need to take a stance. We need to know how to look upon a woman who has a termination or an intelligence agent who water-boards a terrorist. Do we tolerate both or neither, or one but not the other? At some point, our ethical dithering must stop or we'll have anarchy.

This is where ethics meets law. Laws draw a line under ethical ambiguities. They say 'this is right' and 'this is wrong', not

necessarily in an absolute sense, but in the sense that if you do something wrong, you will be punished, which is where the argument stops. So you can do something that you consider to be ethically Right - like sending letter bombs to people who work in an animal testing laboratory - but you're legally in the wrong insofar as your action will lead to prison. The law doesn't really mind that you're ethically Right if you're legally wrong, because in our society, law trumps ethics. Besides, the law really is objective, in the sense that it applies to everyone. While ethics involves a wrangle between different subjective positions, the law elevates itself above such subjectivities to define what's objective for all. That's partly what the law is for, to provide a pragmatic version of objectivity in the absence of a more philosophical one. Nobody can say once and for all if animal testing is ethically Right or Wrong, because there will always be supporters and detractors, but if the law says it's illegal, there are consequences for people who break the law, at which point the ethical debate hits up against a limit.

This power that the law has over ethics might surprise some people, because ethics sounds purer, nobler or more moral,

even, than the law. There's a whole branch of Christian ethics, for example, which believes in, say, turning the other cheek rather than seeking justice. But perhaps more surprising still is the fact that between ethics and the law there isn't always perfect alignment. The animal rights protestor found this out when he got sentenced, but that's not the only example. Sleeping with your best friend's partner is not ethical, but it isn't illegal either. Sure, you've broken a rule, but you haven't broken the law. Getting your employees to do all the work while you swan off for the day is also unethical but perfectly legal. Indeed, you can live your life according to the very letter of the law, but still be an unethical person. It's a phenomenon we're especially familiar with at the corporate level, with companies employing accountants to find loopholes in the tax law: unethical but perfectly legal. There's no punishment involved, just the disapproval and disappointment that society will send in your direction - which is a punishment of its own, perhaps.

In fact, this question of social disapproval is far from trivial. If we do something legal but unethical, like professional tax avoidance, we don't go to court, yet we do find ourselves judged. Which

brings in perhaps the most important aspect of ethics altogether. Namely, conscience. For although we can get away *with* certain unethical practices, we can't always get away *from* them. They lurk in our minds like an unpleasant reminder of the fact that we're not very good people. Take a trivial example. You see a long line at the departure gate for your plane as it's boarding, and you push in. There's nothing illegal about it, but it's not exactly ethical either. Part of you is pleased at having saved yourself the drudgery of waiting at the back of the queue. You might even be congratulating yourself on your daring. But another part of you knows you've done wrong. Ok, it's not a big deal, but it doesn't feel good, and it doesn't feel good because it doesn't feel right. That's what set off the alarm we call our conscience. It rings deep inside us when we've done something that we know was wrong, and we know it before anyone else knows it. The feeling is uncomfortable, and as you show your passport and boarding pass to the attendant, you're pleased to be getting away from the situation and onto the plane, because the departure gate and its line are now a reminder of a part of you that you don't like any more than do the other people in it. The point being that for all the issues that ethics raises in the

world - the world of politics and debates and laws - there's an equally active ferment quietly going on within us. This is the true arena of ethics. Not the debating chamber but the heart. It's in the heart that we know about right and wrong.

So why can't we apply this to more public debates like abortion and torture? Why can't we apply the heart test to these? Well, we can, but only up to a point. The thing about the pushing-in example is that it is a private experience of an ethical situation. But when we debate about torture, for example, very few of us will have experience of it. More will have had experience of abortion, but still the numbers are going to be limited, by definition. In other words, we can't ask everybody to vote with their conscience, as occasionally happens in parliament (in the case of assisted dying, for example), because most people won't actually be voting based on experience, but just on opinion, and so their conscience will never really have been tested. Among those that have, I would say that few women will have had a termination without a heavy heart, and my guess would be that torturing another human being rarely leaves the torturer with a warm ethical glow, even where revenge has been satisfied.

Given these aren't experiences that everybody will have, and given that ethics more generally will involve questions that may also be remote from our lives, the point is therefore to enter into ethical debates with empathy rather than judgement. So if we are pro-choice, for example, let us try to imagine what it's really like to end that little life; if we are anti-torture, let us try to stand in the shoes of the victims of the man who's about to be tortured. It's such acts of empathy that can make us more ethically sensitive, more capable of making humane choices, even if we'll never know for sure if they are right or wrong.