

ON MORAL GROUNDS

The Art./Science of Ethics

Daniel C. Maguire
and
A. Nicholas Fargnoli

CROSSROAD • NEW YORK

1991

The Crossroad Publishing Company
370 Lexington Avenue, New York, NY 10017

Copyright © 1991 by Daniel C. Maguire and A. Nicholas Fagnoli

All rights reserved. No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the written permission of The Crossroad Publishing Company.

Printed in the United States of America
Typesetting output: TEXSource, Houston

Library of Congress Cataloging-in-Publication Data

Maguire, Daniel C.

On moral grounds : the art, science of ethics / Daniel C. Maguire
and A. Nicholas Fagnoli.

p. cm.

Includes bibliographical references and index.

ISBN 0-8245-1123-9

I. Ethics. I. Fagnoli, A. Nicholas. II. Title.

BJ1012.M35 1991

170—dc20

91-18224

CIP

Portions based on *The Moral Choice* by Daniel C. Maguire. Copyright © 1978
by Daniel C. Maguire. Used by permission of Doubleday, a division of Bantam
Doubleday Dell Publishing Group, Inc.

Sep 19 (W) The Art/Science of Ethics: Evaluating Moral Circumstances
Required Reading for September 19th: 79-142.

Sep 26 (W) Evaluating Moral Circumstances (cont'd)

Oct 3 (W)

1st

Due Date of First Paper: Write a summary of "On Telling Patients the Truth" in *Advanced Medical Ethics*, pp. 103-109, and, using selected aspects of the ethical method found in *On Moral Grounds*, offer an evaluation of the article.

Conscience and Guilt

a) Defining Conscience

b) The Role of Conscience in Ethical Discourse

Hazards of Moral Discourse: Avoiding Moral Pitfalls

Review for exam — *moral grounds*

Required Reading for October 3rd: 145-177

telling it the truth

Oct 10 (W)

Exam

Ethical Theories and Principles

a) Utilitarianism, Kantian Ethics, *Prima Facie* Duties, Virtue Ethics, Ethics of Care (Feminist Ethics), Casuistry, and Ethical Relativism

b) Biomedical Ethics and the Principles of Autonomy

Required Reading for October 10th: *Advanced Medical Ethics*, pp. 1-57, 132-141, 168-171

Oct 17 (W) Ethical Theories and Principles (cont'd)

Oct 24 (W) Professional Relationships to Patients

a) Professional Codes and Statements

b) Virtues and Obligations of the Professional

c) Medical Information and Informed Consent

d) Patient Self-Determination

Required Reading for October 24th: *Advanced Medical Ethics*, pp. 58-69, 69-70, 70-74, 74-82, 83-87, 88-95, 95-103, 120-125, 126-132, 711 (cases 8 & 9), and <http://nursingworld.org/MainMenuCategories/EthicsStandards/CodeofEthicsforNurses/Code-of-Ethics.aspx>

Oct 31 (W)

Professional Relationships to Patients (cont'd)

Contested Therapies and Application of Ethical Theories to Selected Cases

role of reason, and especially in an age when reason recedes before the impervious emotions of personal opinion.

Authority and the Art of Reliance...

After all the praises of reason and analysis have been sounded, it is still probable that most of the moral conclusions we make are not the result of a reasoning process but are directly due to the influence of someone we admire or love, or to the influence of traditional and accepted wisdom. Principles and other teachings that we have never questioned, the pressures of society and customs, influence us through the *authority* they contain. Authority is a formidable influence and power over us. Its force can direct our behavior and govern the moral decisions we make. Reliance on authority of one kind or another is probably the most common way of moral evaluation. We all have our own authorities and even those who feel highly independent and liberated are not immune. We are more docile than we suppose.

Through our cognitional experience we may come to understand and appropriate what we accept on authority. Acceptance, however, without critical examination is an unfortunate commonplace. Sometimes we rely on authority to avoid making our own moral decisions. It seems less burdensome to us to devolve our moral responsibility upon those in authority. But authority can attempt to control the thoughts and actions of others without giving convincing or conclusive arguments, and it can defend positions that need correction. It could simply be maintaining a taboo. Authority must be open to moral growth. If it insists on its positions regardless of new moral insight, it can become a brutal force. Because authority can be wrong, it should be open to change when new moral insights emerge. It may be holding on to ideals that were never morally sound or to principles that are no longer tenable or applicable. Some moral positions and principles may be based on originally misplaced values, prejudiced opinions, and faulty reasons that have taken on the appearance of respectability through tradition. Moral wisdom is a process of growth. What was once held may not with the same force be held today.

Reliance on authority in doing ethics, then, might seem at first to be a problem, a defection from the work of intelligence. However, in presenting authority as one of the evaluational processes of ethical method, we are viewing it as a positive resource for understanding. Like all the other evaluational resources illustrated by the spokes of the wheel model, authority can be used or abused. The study of authority is fraught with some special difficulties. There are times in our individual lives and in our society that we may indulge in the illusion of thinking ourselves free and independent of all authority. Let us first see reliance

on authority as a fact of life and then move on to see its potential for use and misuse in ethics.

Types of Authority...

Persons, even sophisticated ones, are conspicuously prone to "buy a bill of goods" with uncritical acceptance. There are a number of perennial authority sources from whose sway none of us entirely escapes. Let us look at some of the more potent forms of authority that operate in our social world, namely, peer authority, expertise, religious and crypto-religious authority (including nationalistic authority), tradition, and charisma.

First, there is the domineering authority of peer group. It is no easy task to stand apart from its dictates. What the peer group does among young and old is to establish an evaluational orthodoxy from which it takes courage and strength of mind to depart. Staying within it is not without its alluring satisfactions. It seems that everyone wants to belong to a club with all its rules, regulations, and amenities. There is an identity that comes through the peer group. Moral value positions are closely linked to our sense of identity and to the emotions that go along with it. Dissenters against established positions are perceived as threats and outcasts. Hence, the peer group consensus will be re-enforced by a number of sanctions ranging from excommunication to ridicule. This phenomenon of peer group authority is as visible in countercultural groups as it is in the board rooms.

Second, the perennial authority that has taken on a revolutionary new force in an increasingly complicated and data-loaded world is the *expert*. Clearly the expert is an essential authority in a time when the idea of universal knowledge is seen as chimeric. The expert is the only relief from swelling complexity. The problem with experts is that they can become oracles and command even our common sense to recede before the prestige of their special qualifications. But experts are not beyond questions and accountability, for they, too, can have vested interests and their knowledge can be biased and misleading. Some estimate that one-third of all surgery done in the United States is unnecessary. Sooner than get second and third opinions, people bow to the expert and accept an unnecessary invasion of their bodies. In some ways expertise has gone mechanical in our day with the advent of the computer. The computer adds the attractiveness of apparently unalloyed objectivity.

Third, authority always operates powerfully in religious and crypto-religious contexts. Wherever the aura of the sacred accrues, there is a tendency for critical judgment to give way to awe. Since moral experience brings us into contact with the phenomenon of sacredness, one could expect religiously tinged authorities to operate here. The major

religions have been active in assuming an authoritative and divinely inspired role in matters moral. We find authoritative moral teachings and scriptures in most religions: the Vedas of the Hindus, the Koran and the Hadith of the Muslims, the Dharma of the Buddhists, the Tanak and Talmudic writings of the Jews, and the scriptures of the Christians. Religions meet a socially felt need in spelling out the meaning and shape of the good life.

What is important to note is that much that is numinous in character is located within the apparently secular; this fact is crypto-religion. Supposedly secular attitudes found in nationalism and patriotism have been recognized as "full of Gods," in the words of the ancient Thales. A nation is no merely pragmatic association of persons but, rather, a social entity endowed with a sacred mystique that can evoke complete devotion from its citizens even to the point of the "supreme sacrifice" of their lives. National heroes assume sainted roles. The foundational documents and constitutions of nations acquire a sacred quality. Official communiqués are often accepted by the press as scripture. Those who hold high office achieve an authority that has hallowed overtones. In classical times the national leader or emperor was thought to be divine. (There was a slight modification of this when the Emperor Aurelian renounced his claim to be a human God and declared himself with only slightly less pride to be no more than God's vicegerent on earth.)

In the modern state the sacrality of the leader is more muted, though it shows through in inaugural ceremonies and in the protocol that attend officials of state. We have not yet outgrown the sacralized tribe. Sacralized civil authority is extant. It is visible in caricature form in the "super-patriot" whose zeal could only be described within the categories of religious devotion. It also can appear in more subtle form in the conceptualization of citizenship. Religious authority, whether implicit and crypto or explicit and denominational, remains a major force in the valuations of both private and political ethics today.

Fourth, *tradition* is another common authority. Tradition breeds familiarity, and the familiar is likely to seem reliable and true. The "traditional" has some likely claims to reliability, since that which has stood the test of time is probably not without some merit. However, since error can become as traditional as truth, this authority too must be tested.

Fifth and last, *charisma* is a widely influential form of authority. The term need not be limited to the magnetic qualities of political figures, but it can refer to the personality strengths that are present more or less in almost everyone by virtue of which we can sway and influence others. In any group, charisma will function and will exert influence on the group members. Charisma has many ingredients. The attractiveness

of persons, the attitudes and confidence they project, the emotions they engender, and so forth, all give persons influence or charisma. Achievement lends charisma, as does the mere fact of being famous. Nations can gain charisma because of inspirational achievements or simply because of their technological prowess. The forces that generate charisma might be worthy or irrelevant. For this reason, a sensitive ethics must alert persons to the presence of charismatic influences in their thought processes. Charisma can function negatively or positively, but the point here is that it is a pervasive, persuasive force where persons interact and evaluate. No workplace or professional setting is without the ambivalent power of charisma.

Authority and Personal Responsibility...

As we can see, authority functions in myriad forms. The human mind accepts on authority ethical positions that it has not thought through. Yet, it seems that all forms of traditional authority are coming under attack in our present-day society. That there has been a change is undeniable. Authority, today, must show that it is trustworthy and that it promotes the good. Authority must be earned and evaluated and proved authentic. It does not come *ex officio*. There is progress here because there is a slight move away from magical forms of oracular authority that prevent moral discussion and moral growth.

Excessive dependence on authority is a one-sided approach to ethics, an approach that ultimately represents a despair of our capacity to know. However, in an integral approach to ethics, there is a healthy reliance on authority. The authority found in principles or in persons with experience may enlighten others. And sometimes a person who grows in moral experience will come to realize the wisdom of authority.

Proper reliance on authority is both a practical necessity and a community-building form of trust. Dependence on authoritative sources is required by our finitude. Complexity is expanding exponentially and, as a result, knowledge is more specialized. The dream of comprehensive knowledge has passed and any attempt to retrieve it would condemn us to superficiality and frustration. But reliance on authority must be critical and not naive. Since authorities can disagree, they must be tested and seen to be credible and trustworthy. We should always be aware of the authorities influencing us. The spoke on authority represents one of the many evaluational processes by which we grope toward the truth. It is not the only one. When possible the mind should not rest with accepting something as true on the authority of another. It should attempt to know what it accepts. Just because a committee has been assigned to study some subject, that does not mean that they have become infallible. The whole committee may have become sidetracked or dragged into uncritical "groupthink."

Although authority should not do our thinking, one of its positive roles is pragmatic. We often need the help of others and in accepting authority we get that help from those sources that we judge reliable. Because authority is a personalizing and community-building form of trust, there is a deeper meaning to it. The tendency we have to rely on the opinions of others is more than pragmatic. It is also a manifestation of our social nature. In a matter of merely technical expertise, the trust element will be less important than the indicators of genuine knowledgeability. But when authority functions at a more personal level, a process of trust is in effect. Valid moral authority functions only in an atmosphere of trust. Good leaders and managers and teachers are those who *earn* trust and don't just assume and demand it.

Authority in moral matters operates powerfully within a matrix of personal exchange. We will trust the value inclinations of persons whom we find worthy. Contrariwise, those factors that hinder personal relationships also block the functioning of authority. The deeper and fuller a relationship is, the greater will the individuals in that relationship become authorities to one another. Friendship breeds trust in the value orientation. Even if we rarely think of it, a true friend is a moral authority.

Acceptance of authority is not just an impersonal acceptance of a source of information. It is also a personal response to the personal source of that authority and a favorable assessment of the moral qualities involved. Thus it is a socializing act. Authority is not an alien intrusion on the autonomy of a rational person. Rather, it is part of a system of reliance and trust that increases our contact with persons and intensifies our relationships. This reality is a normal part of developing moral consciousness. The inability to accept authority influences is not only a social and psychological problem; it is a problem in ethics. Yet, total reliance on authority shows diminished moral growth and a lack of personal responsibility.

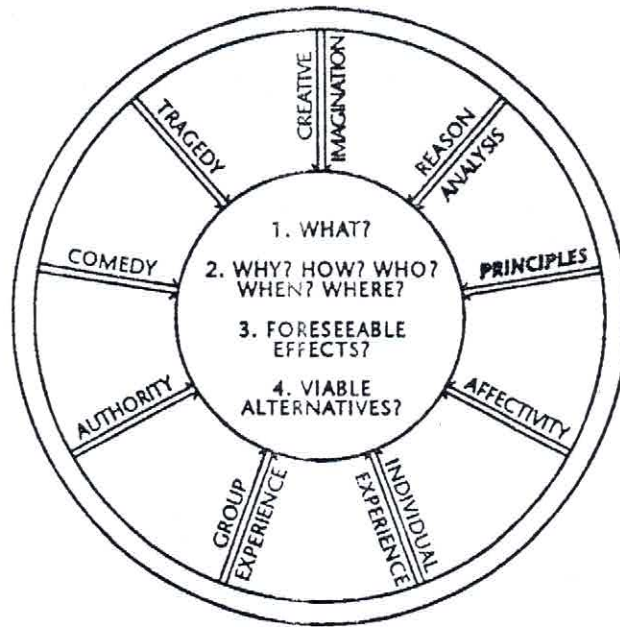
Concluding Reason/Analysis and Authority...

Reason and reliance on moral authority, though apparently as antithetical as independence and dependence, are conjoined in the service of moral truth. Each is a way in which our pluriform consciousness seeks attunement with the moral good as it emerges in the swirl of social historical existence. Reason and authority are both broad concepts. The fuller meaning of each for ethics will be seen in the elaboration of other parts of this ethical method. Each is a check against the other and must be seen as operating in a balance for greater moral truth. Reason is involved in the whole expository phase of ethics and is a collaborative force in most of the evaluative processes. Authority operates in a number of ways aside from those mentioned in this section. Principles, for

example, come to us with the authority of cultural acceptance and they are often religiously and legally fortified. The discussion of *group experience* will illustrate the ways in which the individual is drawn into the moral patterns of the group. Here the attempt has been to show, as any exposition of ethical method must, how the mind should pursue moral truth through the work of reason and the virtue of reliance.

II

The Nature of Moral Principles



Principles: Consistency and Surprise...

Moral principles are intellectual generalizations containing value judgments that have been shaped from our collective and personal experience. They offer a perspective of moral wisdom and attempt to meet human needs. Principles are the voice of history and the moral memory of a people. Without them we would be like amnesiacs with no sense of past experience or moral history. Although principles do not give us a blueprint of the present or the future, they can broaden our outlook, offer depth, and make us more sensitive and less vulnerable in ethical discourse. They give us an added moral perspective.

Whether they are the collective moral experience of our forebears or the fruits of our own experience of moral value, principles are cultur-