

Introduction

Ethics

Ethics or morality is about what actions an individual person or member of an occupation ought to do, and it is about what kind of character an individual person or member of an occupation ought to have. It is also about what features the organizations that employ members of specific occupations ought to have.

Although ethics is concerned with what ought to be done, or not done, it does not embrace the entire sphere of prescribed or proscribed actions, for there are 'oughts' other than the ethical or moral 'oughts'. Sometimes we say things like, 'You ought to have said "Hello" to Jack'. Here, the 'ought' is one of etiquette. You ought to, because it is rude not to greet people; rude, but not necessarily unethical or immoral.

We also need to distinguish ethics or morality from aesthetics. Sometimes we say that that painting is good, or that so and so ought not to wear green trousers with a blue shirt, or shocking-pink suits. Here, we have in mind aesthetics; it is not unethical or immoral to dress in these ways.

The terms 'ethics' and 'morality' are often used interchangeably. However, sometimes ethics is distinguished from morality. One way of making the distinction is as follows. Morality is about minimum standards of behaviour and attitude. Do not kill the innocent; do not tell lies; do not steal; do not commit fraud. These are all minimum standards of behaviour; they are moral principles. On the other hand – in this way of thinking – ethics is a wider notion. Ethics involves ideals and aspirations; it goes beyond minimum standards. A doctor who is competent, and is not negligent, might not be engaged in immoral behaviour. Nevertheless, such a doctor might not be a good doctor. To be a good doctor implies doing more than merely complying with minimum standards. For example, a good doctor would have a caring attitude to his or her patients.

Henceforth, we will distinguish ethics and morality in this above-described way. Morality therefore refers to minimum standards, while ethics refers to a wider field of value that embraces notions of what is good and worth aspiring to – ideals as well as minimum standards.

Let us now turn to a general account or map of the ethical or moral terrain. In thinking and reasoning about moral or ethical questions there are a number of key concepts and distinctions. We will now introduce some of the more important of these.

First, we need to distinguish between actions, habits and attitudes. Actions are morally right or morally wrong or neither. Examples of actions normally regarded

as morally right are truth-telling, paying one's debts and providing for one's children. Examples of actions normally regarded as morally wrong are breaking a promise, killing an innocent person, and thieving. Examples of actions that are normally regarded as neither morally right nor morally wrong are going for a walk, drinking a bottle of lemonade or buying the Sunday papers.

If we now turn to ethical actions, as opposed to merely morally acceptable actions, then we can see that they tend to be actions in conformity with ideals or aspirations. For example, engaging in unpaid voluntary work for charitable organizations, or not taking advantage of one's competitor when – owing to bad luck – they are in an unfortunate situation.

Notwithstanding the distinction between minimum standards and ideals, the boundary between these points is blurred: there is a considerable grey area. Moreover, it is important to note that attending only to minimum standards – being a 'rule addict' and eschewing ideals – is an ultimately unsustainable position. Rule addicts will tend to lose sight of the values, including the ideals, that inform even the rules embodying minimum standards; ultimately this is corrosive of conformity to minimum standards, as well as the realization of ideals.

Habits are dispositions to action that are typically performed by a person. For example, Winston Churchill had the habit of smoking cigars. Habits include virtues, such as courage, honesty and determination, as well as vices, such as cowardice, corruption and dishonesty. Winston Churchill was said to be a courageous leader because he frequently or habitually made hard decisions in the service of his country. In the 1990s, the New South Wales police officer Chook Fowler was said to be corrupt because he consistently or habitually engaged in illegal activity to enrich himself. Some habits are neither virtues nor vices. For example, the habit of taking the dog for a walk in the early morning would not normally be regarded as either a virtue or a vice.

Once again, vices tend to call for moral condemnation; people who are corrupt or dishonest fail to meet minimum standards. On the other hand, persons possessed of virtues tend to be seen as ethical; they have dispositions to do what is good. They do more than merely avoid wrongdoing. However, once again there is a grey area here between minimum standards and ideals.

As noted above, the key property of virtues and vices is that they are elements of character; they are to do with what a person is, as opposed to what a person might do on some particular occasion. Clearly character, and thus virtues and vices, are of central importance in ethics.

Affective attitudes, including feelings and emotions, are not actions as such; nor are they habits or merely dispositions to act. A person can obey all the rules, even do so as a matter of habit, and yet have a 'bad attitude'.

As with actions and habits, affective attitudes can be classified into those that are by and large good, such as a caring or sympathetic or sensitive attitude, and those that are for the most part morally wrong, such as an attitude of hatred or contempt. Naturally, some attitudes would not normally be regarded as either good or morally wrong, e.g. the attitude or feeling of excitement generated at the

thought of being paid a large salary. Moreover, there is a grey area here between morally problematic attitudes, such as hatred, and attitudes that one ought ideally to have, but ought not to suffer moral condemnation if one did not experience them, e.g. friendliness.

Virtues and Character

Moral principles give us rules by which to act. This has its advantages, since rules are things that can be made explicit and apply equally to everybody. But those theorists who have insisted on the importance of virtues and, more generally, of character, have pointed out that given the range of situations we find ourselves in and the complexities of the individuals we deal with, there often is no rule that can be meaningfully applied. In these cases we need what might be called moral judgement, and this is not something that can be reduced to a matter of rules or calculation.¹

It is difficult, if not impossible, to come up with more than very general prescriptions for virtuous action for two reasons. First, the range, complexity and continually changing nature of the sorts of situations where we may have to act morally mean that we will never be able to come up with comprehensive action-guiding rules.

The second reason is connected to the first, but instead of focusing on the difference in particular circumstances, it looks to the difference in morally legitimate responses made by individuals to those circumstances. Different responses from different individuals might be morally appropriate in the very same circumstances, e.g. a child might be admonished by his parents but indulged by his grandparents in relation to some minor act of wrongdoing.

The possession and exercise of virtues (and vices) is partially constitutive of our character, they help make us the kind of person we are. But just as circumstances display an inexhaustible variety, so do people. Two good people can differ in which virtues they place more emphasis on, which they are more likely to manifest, and hence on their responses to particular situations. Although their responses may be different, they might both be seen as reasonable, even commendable.

The discussion of virtue as central to the moral realm harks back at least to Aristotle, writing almost two and half thousand years ago. Modern theorists of virtue still have to take Aristotle's views seriously.²

So far we have operated with an unanalysed notion of virtue and vice, assuming that courage, for example, is a virtue, in itself admirable, and cruelty a vice, to be despised.

1 See Alexandra A., and Miller, S. *Ethics in Practice: Moral Theory and the Professions*, Sydney: University of NSW Press, 2009, Chapter 4.

2 See Aristotle's *The Nichomachean Ethics* (any edition).

As Aristotle pointed out, the term ‘virtue’ has a range of uses, not all which bear moral implications. We can talk about the virtues of a knife, for instance – these include sharpness and ease of handling. We can similarly speak about the virtues of a clock, such as accuracy and quietness. Given that sharpness counts as a virtue in a knife, but not in a clock, what do these features of things have in common, such that they all can be called virtues? Each of them counts as a virtue because each helps the object in which they are found achieve its function. The function of a knife is to cut – being sharp allows the knife to cut, so sharpness is a virtue in a knife. The function of a clock is to keep time – accuracy is necessary for it to be able to keep time, so accuracy is a virtue in a clock. Another way of talking about functions in this sense is to speak of ends – the end for which a knife is intended is cutting and so on. We are now in a position to offer a general characterization of virtue. A virtue can be characterized as some property, the possession of which helps a thing achieve its end.

Such a characterization of virtue may look quite unexceptionable when applied to artefacts that have very clear functions. But what about human beings? First, let us tentatively adjust the characterization to fit more closely the notion of virtue as it applies to humans. A human virtue is some relatively stable aspect of someone’s character, which disposes the person to act in a way that will help them achieve their end. This characterization begs the question: can it be said that *we* have ends? Well, sometimes at least we clearly do, when we occupy certain roles. The function of a doctor is to cure the sick, the function of a comedian is to make people laugh and so on. It is usually relatively simple to decide what are the various role virtues: courage in a soldier, diagnostic skill in a doctor, and so on – the qualities that help role holders achieve the ends of their role. We will look at these issues in more detail in Chapter 1. However, although it may be clear enough what the ends of people in their various occupational roles are supposed to be, and hence what the relevant occupational virtues are, it seems much harder to determine what the ends of human beings simply qua human beings are; or indeed if they have any ultimate end at all. Aristotle thought that just as is there a final end, a highest good, of say medicine, which provided the standard for judging a doctor’s work, so there is a final end that we possess as people, and against which we can judge human behaviour and institutions.

Aristotle was quick to acknowledge that there is a whole variety of particular goods at which people actually aim – money, honour, friendship and so on – and which seem to have virtually nothing in common. Nevertheless, we can set up a kind of hierarchy amongst these goods. We can understand the place of a human or social good in this hierarchy in terms of means and ends. At the bottom of the hierarchy are those things that we value *only* as a means to some other end. So money is a good of this kind, since it has no intrinsic worth, it is valuable only in that it allows us to get other things that we value. (Some people – misers – do value money for its own sake, but they are simply making a mistake.) Next in the hierarchy come the things that we value not simply as means to ends, but also as ends in themselves, such as friendship, honour and pleasure. However,

even these goods, although ends in themselves, are at the same time means to a further, and in Aristotle's view, final end. This end, at the top of the hierarchy, he calls *eudaimonia*. There is no exact equivalent for this term in English. It is often translated as 'happiness', but probably 'flourishing' is closer to Aristotle's meaning. This is the only good that is purely an end in itself. It is in the light of this good that we can assess aspects of our characters to decide if they are virtues or not. Do they, could they, help us flourish? If they do, they will count as virtues, if they don't they won't.

By itself, being told that those aspects of our character that help us flourish count as virtues is not going to help us much, until we know what constitutes flourishing. Aristotle's own answer to this question identifies flourishing strongly with the development and exercise of reason, which he takes to be the defining human property. We can, however, work with a less restrictive notion of flourishing. It is true that there is some controversy about whether certain kinds of lifestyles and behaviours count as flourishing or not. While some people think of the life of silence of Trappist monks as a kind of spiritual mutilation, others think of it as offering sublime rewards. But at the same time it is often very clear if someone's life can be thought of as flourishing. Someone who lives in pleasant surroundings, enjoying the company of congenial friends, doing interesting work, surely counts as having a flourishing life; and someone who lives in poverty and loneliness in a dangerous slum, does not have a flourishing life.

Moral Reasoning

As already in effect noted, morality or ethics is *practical*; it concerns what a person or group *ought to do*, and what a person or group *ought to be*. It comprises answers to questions such as: ought I buy a new car or spend the money on my son's education? Ought I to inform the police that my friend takes illegal drugs? Ought Jane to leave her husband? Ought I inform on a corrupt colleague? Ought I charge this impoverished client a smaller fee? What ought we to do? Should we turn away refugees from Afghanistan? Should we introduce voluntary euthanasia? Should the market fully determine the structure of fees paid to professionals?

Moral or ethical decision-making is, or ought to be, based on reasons, e.g. Jane ought to leave her husband because (for the reason) he is beating her up. Fees ought to be paid because (for the reason) clients promised to pay them.

Moreover, often there are reasons for and against a particular course of action, and therefore a *complex structure of reasons* is involved.³ For example, in relation to insisting that one's client pay the full fee, there is at least one reason in favour of this; namely, the client in effect agreed to pay the set fee by virtue of knowing what the fee was and accepting the service. But there is also at least one reason against

³ See Alexandra, A., and Miller, S. *Ethics in Practice: Moral Theory and the Professions*, Sydney: University of NSW Press, 2009, Chapter 5.

insisting on the full fee, namely, the client is impoverished and cannot afford to pay it without suffering severe hardship as a result.

This complex structure of reasons or arguments involves *factual* claims, e.g. the fee is \$X, the client's income is \$Y, the service performed was the extraction of an extremely painful tooth. But it also involves ethical or *moral values* or moral normative claims, e.g. 'To suffer ongoing extreme pain is bad', 'A practitioner has a moral right to be paid a reasonable fee for services rendered'.

One pervasive form of reasoning in relation to both ethical and non-ethical issues is *means/end reasoning*, e.g. business people ought to reduce costs because this will lead to lower prices and increased profits. Moreover, much of the reasoning in ethics is means/end reasoning, e.g. a social worker ought to authorize this child to be taken from her family because the father is a child abuser and if the child is not removed then the child will suffer grave harm. Here the end – to protect the innocent child – is a moral end.

In ethical decision-making there is another form of reasoning, which we will refer to as *reasoning from moral or ethical principles*.

In relation to reasoning, there is a more general distinction to be made between so-called *theoretical reasoning*, and *practical reasoning*. Theoretical reasoning is reasoning about what is the case, about what is true. The aim of theoretical reasoning is to produce true beliefs. Practical reasoning is reasoning about what we ought to *do*. The aim of practical reasoning is to guide us to rational action; so means/end reasoning and reasoning from ethical principles are species of practical reasoning. We typically act in order to achieve outcomes that we take to be valuable. A practically rational action, then, will be one that produces the greatest, or at least sufficient, value. There is, of course, a variety of different kinds of value, including moral value as well as prudential value, financial value, aesthetic value and so on.

Although theoretical and practical reasoning are importantly different from each other, they are also intimately connected. In particular, when we are trying to decide what to do we usually have to draw on the results of theoretical reasoning. We must discover what courses of action are available to us, and we must work out what the likely consequences of those various possible actions are, and these are both matters of fact. In other words, we are only likely to be able to act rationally if we have true beliefs.

Both theoretical and practical reasoning can be seen as involving a two-step process. First, we should work out the considerations relevant to the issue at hand. Then we should decide what to believe (in the case of theoretical reasoning) or what to do (in the case of practical reasoning) on the basis of these considerations. The form of such a process is made explicit in the production of arguments in the sense of a certain kind of structure of sentences. In philosophical terminology, the considerations that are supposed to be relevant to the matter at hand are put in sentences called 'premises', while the sentences that represent the decisions we make on the basis of those considerations are referred to as 'conclusions'.

Consider the following simple example of an argument (a piece of reasoning from a moral principle).

Premise 1: I believe that lying is wrong (moral principle).

Premise 2: Telling this suspected fraudster that I will not report him is a lie.

Conclusion: I ought not to tell this suspect that I will not report him.

This argument is not a *deductive* argument since the conclusion could be false even though the premises were true, e.g. if I am an auditor and telling the suspect the truth would enable him to flee the country and escape. Nor is the argument *inductive*, since a moral principle is a normative claim, not an inductive generalization; nor is it necessarily based on induction. Further, the argument is not a piece of means/end reasoning since there are no goals or desires in the premises.

Where there are competing moral reasons, e.g. telling a lie versus preventing a fraudster to escape, then a balance has to be struck on the basis of reasons.

Reflecting the two-step process of reasoning outlined above, there is a two-step process for assessing arguments. First, we need to look at the premises – do we have sufficient reason to accept them, and have we included all relevant considerations? Second, we need to look at the relationship between the premises and the conclusions. Do the premises actually provide support for the conclusion, or as is often put, does the conclusion follow from the premises? A good argument, then, is one that contains only premises that we have good reason to accept, and all such premises that are relevant to the issue at hand, and where the conclusion does follow from those premises.

Many⁴ moral theories purport to help us in both theoretical and practical reasoning about moral matters. Utilitarianism,⁵ for example, may guide us to the conclusions that it is both true that the action of the Good Samaritan in the biblical story was morally good because it created more happiness than any alternative action that was available to the Samaritan (a piece of theoretical reasoning), and that the Samaritan ought to have helped the stranger because doing so created more happiness than any available alternative action (a piece of practical reasoning). Moreover, if moral beliefs can themselves be motivating, then the conclusion of a piece of theoretical reasoning (such as the belief that it is wrong to lie) can itself become a practical reason.

As mentioned earlier, there is a variety of different sorts of value, including moral and prudential values and, at least on the face of things, it appears inevitable that on occasion these different considerations will compete. If we try to act in such a way as to promote an outcome that is valuable in one way – (say) in terms of promoting our self-interest – we may make it impossible to act in a way that

4 Many, although not all, since some moral theories – so-called non-cognitivist theories – hold that moral claims are not, strictly speaking, true (or false), hence are not matters that are open to theoretical reasoning.

5 See John Stuart Mill, *Utilitarianism* (any edition).

will bring about an outcome that is valuable in another way – fulfilling our moral obligations, for example – and vice versa. In such situations we are faced with a conflict between two different sorts of practical reasons, deriving from two (and sometimes more than two) different kinds of value or principle.

Above, we presented an argument that the person had reasons to tell the truth, as provided by the principle not to tell lies. These reasons were moral reasons. But it is also the case that there was a reason not to tell the truth provided by the consideration of combating fraud.

In the light of this sort of conflict, a decision must be made as to which kind of reason is the more compelling. How is this to be done? Some people think that moral considerations should always take precedence over other sorts of values when there is a conflict between them. This seems implausible, however. We can certainly imagine circumstances in which the performance of a self-interested action results in the production of more value than the moral costs of failing to perform the morally right action. Consider a case where you are stopped by a stranger who, slightly distressed, asks you for directions. Knowing that there are other people who can provide these directions, and knowing also that you will miss your train to the last showing of a film you very much want to see, it seems that the prudent course of action is to ignore (politely) the needs of the stranger. In such a case, more value is promoted by acting out of self-interest rather than acting in the interests of the stranger.

Not only are there cases of practical reasoning where decision-making is difficult because the reasons derived from different values pull us in different directions, we can, it seems, find ourselves facing situations where reasons derived from the same kind of value can come into conflict. For example, it is not uncommon for us to find that we seem to have a moral reason to do a certain action, and also a moral reason not to do that action. This kind of situation, where we have moral reasons to act in two incompatible ways, is often described as a moral dilemma. Consider our above-described example of lying to the fraudster.

Much of the difference between various moral theories comes down to disagreements about what kinds of considerations are in fact relevant in practical reasoning about moral matters. Utilitarians, for example, think that the only kinds of considerations that should be taken into account are those that bear on the consequences of actions. By contrast, some deontologists, e.g. some Kantians,⁶ would say that these consequences should not be given any weight – all that matters is compliance with moral principles, e.g. doing one's duty (or duties).

On the kind of pluralist approach favoured in this work, there is a whole range of different kinds of reasons that can be relevant to moral decisions and which should be taken into account in making such decisions. These will include duties and consequences, but may also include (reflectively endorsed) emotions, desires and the like.

6 Immanuel Kant, *Groundwork to the Metaphysics of Morals* (any edition).

Corruption, Law and Morality

Many people conflate law and morality – they think everything that is law is morally good, and that everything that is morally good is the law. More specifically, they hold that corruption is to be understood as a form of illegality, and that an act, by virtue of being unlawful, is an act of corruption. This view is particularly common among people whose task it is to make or uphold the law, such as lawyers and police officers. It is, however, a view that should be resisted. We need to insist on the distinction between law and morality and, within morality, between corruption and other species of immorality.

We should note firstly that not all laws are good. This is probably most clear in the case of repressive states such as Nazi Germany or South Africa in the apartheid era. In these states, laws were framed that discriminated against people on racial grounds. For example, blacks could not vote or own property. These regimes passed many laws that were properly framed, yet morally abhorrent. Secondly, not all morally good actions are legally enforced. Parents should be kind to their children, but there is no law to this effect.

So law and morality are not necessarily the same thing. From this it follows that sometimes the requirements of law and morality can pull us in opposite directions. This potential conflict raises issues of profound importance. Consider the laws prohibiting voluntary euthanasia or mandatory sentencing of juveniles for minor crimes. Should doctors engage in voluntary euthanasia on some occasions? There is evidence that some do, and in violation of the law. What of judges, lawyers and police in relation to crimes they know are subject to mandatory sentencing? Should they seek to bend or thwart the law on occasion?

Notwithstanding the fact that law and morality are not necessarily the same thing, it is nevertheless true – at least in the case of the criminal law – that law and morality often coincide. For example, there are laws against theft, fraud, assault and murder, and theft, fraud, assault and murder are morally wrong. This coincidence or overlap between much of the criminal law and some moral principles is no accident. The criminal law is fundamentally about ensuring minimum moral standards; it is about the protection of basic moral rights, including the right to life, to liberty, to physical security and to property. The moral rights enshrined in criminal law are those regarded as fundamental by the wider society; they constitute the basic moral norms of the society. Naturally, some of these are contentious, and as society undergoes change some of these moral norms change – for example, moral attitudes in relation to homosexuality have changed – but there is a core of moral norms which there is reason to believe will never change or ought not to change, e.g. the right to life, freedom of thought and speech, and the right to physical security.

Now let us consider corruption. The causes and effects of corruption, and how to combat corruption, are issues that are increasingly on the national and international

agendas of politicians and other policymakers.⁷ For example, the World Bank has relatively recently come around to the view that economic development is closely linked to corruption reduction.⁸ However, most of these definitions of corruption are unsatisfactory in fairly obvious ways.

Consider one of the most popular of these definitions, namely, ‘Corruption is the abuse of power by a public official for private gain.’⁹ No doubt the abuse of public offices for private gain is paradigmatic of corruption. But when a bettor bribes a boxer to ‘throw’ a fight this is corruption for private gain, but it need not involve any public office holder; the roles of boxer and bettor are usually not public offices.

One response to this is to distinguish public corruption from private corruption, and to argue that the above definition is a definition only of public corruption. But if ordinary citizens lie when they give testimony in court, this is corruption; it is corruption of the criminal justice system. However, it does not involve abuse of a public office by a public official. And when police fabricate evidence out of a misplaced sense of justice, this is corruption of a public office, but not for private gain.

In the light of the failure of such analytical-style definitions it is tempting to try to sidestep the problem of providing a theoretical account of the concept of corruption by simply identifying corruption with specific legal and/or moral offences.

However, attempts to identify corruption with specific legal – or for that matter, moral – offences are unlikely to succeed. Perhaps the most plausible candidate is bribery; bribery is regarded by some as the quintessential form of corruption.¹⁰ But what of nepotism? Surely it is also a paradigmatic form of corruption, and one that is conceptually distinct from bribery. The person who accepts a bribe is understood as being required to provide a benefit to the briber, otherwise it is not a bribe; but the person who is the beneficiary of an act of nepotism is not necessarily understood as being required to return the favour.

In fact, corruption is exemplified by a very wide and diverse array of phenomena of which bribery is only one kind, and nepotism another. Paradigm cases of corruption include the following. The commissioner of taxation channels public monies into his personal bank account, thereby corrupting the public financial

7 An earlier version of the material in this introduction is to be found in Miller, S., ‘Corruption’, *Stanford Encyclopedia of Philosophy*, Summer edition, 2005. Elements also appeared in Miller, S., Roberts, P., and Spence, E., *Corruption and Anti-Corruption*, Saddle River, NJ: Prentice Hall, 2005, Chapter 1.

8 World Bank, *Helping Countries Combat Corruption*, Washington DC: World Bank, 1997.

9 For one of the most influential statements of the abuse of public office for private gain definitions see Nye, J., ‘Corruption and Political Development’, *American Political Science Review*, vol. 61, no. 2, 1967, pp. 417–427.

10 Noonan, J.T., *Bribes*, New York: Macmillan, 1984.

system. A political party secures a majority vote by arranging for ballot boxes to be stuffed with false voting papers, thereby corrupting the electoral process. A police officer fabricates evidence in order to secure convictions, thereby corrupting the judicial process. A number of doctors close ranks and refuse to testify against a colleague who they know has been negligent in relation to an unsuccessful surgical operation leading to loss of life; institutional accountability procedures are thereby undermined. A sports trainer provides the athletes he trains with banned substances in order to enhance their performance, thereby subverting the institutional rules laid down to ensure fair competition. It is self-evident that none of these corrupt actions are instances of bribery.

Further, it is far from obvious that the way forward at this point is simply to add a few additional offences to the initial 'list' consisting of the single offence of bribery. Candidates for being added to the list of offences would include nepotism, police fabricating evidence, cheating in sport by using drugs, fraudulent use of travel funds by politicians, and so on. However, there is bound to be disagreement in relation to any such list. For example, law enforcement practitioners often distinguish between fraud, on the one hand, and corruption on the other. Most important, any such list needs to be justified by recourse to some principle or principles. Ultimately, naming a set of offences that might be regarded as instances of corruption does not obviate the need for a theoretical, or quasi-theoretical, account of the concept of corruption.

As it happens, there is at least one further salient strategy for demarcating the boundaries of corrupt acts. Implicit in much of the literature on corruption is the view that corruption is essentially a legal offence, and essentially a legal offence in the economic sphere.¹¹ Accordingly, one could seek to identify corruption with economic crimes, such as bribery, fraud, and insider trading. To some extent this kind of view reflects the dominance of economically focused material in the corpus of academic literature on corruption. It also reflects the preponderance of proposed economic solutions to the problem of corruption. After all, if corruption is essentially an economic phenomenon, is it not plausible that the remedies for corruption will be economic ones?

But many acts of corruption are not unlawful. That paradigm of corruption, bribery, is a case in point. Prior to 1977 it was not unlawful for US companies to offer bribes to secure foreign contracts; indeed, elsewhere such bribery was not unlawful until much later.¹² So corruption is not necessarily unlawful.

11 This is implicit in much of Susan Rose-Ackerman's influential work on corruption. See Rose-Ackerman, S., *Corruption and Government*, Cambridge: Cambridge University Press, 1999.

12 See the Foreign Corrupt Practices Act of 1977, Public Law 95-213 (5305), December 19, 1977, United States Code 78a, Section 103. See also Organisation for Economic Co-operation and Development (OECD), *Convention Against Bribery of Foreign Public Officials in International Business Transactions*, 15 February 1999.

This is because corruption is not, at bottom, simply a matter of law; rather it is fundamentally a matter of morality.

Secondly, corruption is not necessarily economic in character. An academic who plagiarizes the work of others is not committing an economic crime or misdemeanour; and she might be committing plagiarism simply in order to increase her academic status. There might not be any financial benefit sought or gained. Academics are more strongly motivated by status than by wealth. A police officer who fabricates evidence against a person he believes to be guilty of paedophilia is not committing an economic crime; and he might do so because he believes the accused to be guilty, and does not want him to go unpunished. Economics is not necessarily involved as an element of the officer's crime or as a motivation. When police do wrong they are often motivated by a misplaced sense of justice, rather than by financial reward. Again, a person in authority motivated by sadistic pleasure who abuses her power by meting out cruel and unjust treatment to those subject to her authority is not engaging in an economic crime; and she is not motivated by economic considerations. Many of those who occupy positions of authority are motivated by a desire to exercise power for its own sake, rather than by a desire for financial reward.

Economic corruption is an important form of corruption; however, it is not the only form of corruption. There are non-economic forms of corruption, including many types of police corruption, judicial corruption, political corruption, academic corruption, and so on. Indeed, there are at least as many forms of corruption as there are human institutions that might become corrupted. Further, economic gain is not the only motivation for corruption. There are a variety of different kinds of attractions that motivate corruption. These include status, power, addiction to drugs or gambling, and sexual gratification, as well as economic gain.

We can conclude that the various currently influential definitions of corruption, and the recent attempts to circumscribe corruption by listing paradigmatic offences, have failed. They failed in large part because the class of corrupt actions comprises an extremely diverse array of types of moral and legal offences.

The notion of a corrupt action presupposes the prior notion of an uncorrupted and morally legitimate process, role or institution, or perhaps of an uncorrupted and morally worthy person. That is, the act of corruption brings about, or contributes to bringing about, a corrupt condition of something or someone, and the two principal objects of corruption are institutions and persons. Let us refer to the corruption of institutions as institutional corruption, and the corruption of the moral character of persons as personal corruption. One important focus in this book is on a species of institutional corruption, namely corruption on the part of occupational role occupants. However, it goes without saying that since institutions are comprised of persons, institutional corruption and personal corruption are interdependent. Specifically, institutional roles are occupied by persons, so the corruption of a person qua institutional role occupant is institutional corruption.

The condition of corruption exists only relative to: (1) an uncorrupted condition, which condition is (2) that of being a morally legitimate process, role

or institution, or that of being a morally worthy person. Consider the uncorrupted judicial process. It consists of the presentation of objective evidence that has been gathered lawfully, of testimony in court being presented truthfully, of the rights of the accused being respected, and so on. This otherwise morally legitimate judicial process is corrupted if one or more of its constitutive actions are not performed in accordance with the process as it is rightly intended to be. Thus, to present fabricated evidence, to lie on oath, and so on, are all potentially corrupt actions. Now consider the uncorrupted tendering process. It consists of a fair, competitive process – a morally legitimate process – whereby the tender is awarded to the person or organization that will do the job well and at the lowest price. This tendering process is corrupted if the job is awarded, not on the basis of merit, but on the basis of a bribe, or if one of the tenderers is given inside knowledge of the price being offered by the others.

So an action is corrupt by virtue of the effects it has; specifically, it corrupts something or someone. In short, corruption is a *causal* concept.

Moreover, the corrupt condition of the person or thing corrupted exists only relative to some moral standard(s) which is definitional of the uncorrupted condition of that thing or person. The moral standards in question might be minimum moral standards, or they might be ideals. Corruption in a tendering process is a failure to comply with minimum moral standards enshrined in laws or regulations. On the other hand, gradual loss of innocence might be a process of corruption relative to an ideal state. In short, corruption is a *moral* concept (albeit, in the sense of being a species of *immorality*).

Occupational Ethics

The task of occupational ethics – as a branch of ethics, and thus in turn of applied philosophy – is to reason systematically and make judgements about ethical issues and problems that arise for members of occupational groups.

As we saw above, in this context ‘to reason’ is to be understood broadly. To reason in this sense includes, but is not exhausted by, deductive reasoning. And to reason about occupational ethics is not necessarily to generate abstract truths that are good for all people in all places at all times. There are some moral propositions that are universal, e.g. do not murder innocent persons. However, many of the propositions of occupational ethics need to be relativized to particular institutions and occupations. Physical courage might be a necessary virtue for police, but not for academics. Such relativization in respect of ethical claims about occupational practices and institutions has been part of philosophizing from the time of the philosophers, Aristotle through Hume, Rousseau, Hegel, and up to modern times.

This need for relativization to context has nothing whatsoever to do with the opposition to objective truth propounded in the past by philosophers such as Nietzsche, and more recently by postmodernists and others. A claim once relativized to context still needs to be assessed for its truth/falsity. In occupational

ethics, the need for relativization arises in part because the ethical dimension of any given occupational practice has what might be called an internal and an external aspect.

Two things need to be noted about the external ethical aspect. First, it consists of moral principles that ought to be adhered to by the occupant of the occupational role, and by people in general. For example, members of occupational groups (and people in general) ought not to commit murder or theft. But secondly, these moral principles are typically not sufficient for the person to undertake that role competently. Merely because an accountant is not a murderer or thief etc. does not make him or her a competent accountant.

These external moral principles – and their associated character traits (virtues) – have such a high degree of generality that they exist more or less independently of any particular occupational practice. Such principles and virtues govern behaviour and attitudes in most occupational behaviour; for example, the principle not to take human life, or the virtue of honesty. Many such moral principles are enshrined in the law. Thus, it is against the law to commit murder or assault, to steal or to engage in fraud.

That said, there are many external moral principles that are not, or should not be, enshrined in the law. For example, cheating on one's sexual partner is regarded as a vice, as is failing to keep one's promises.

The internal ethical aspect consists of principles and virtues that are necessary for a person to undertake his or her particular occupational practice competently. Thus, good hand/eye coordination is a virtue that is internal to being a good pilot, but by no means to most occupations.

This is not to say that all aspects of professional practice are matters of morality. That would be absurd. It might be unprofessional for lawyers to wear shabby clothing when appearing in court or for doctors to be unsympathetic to their patients, but it is not necessarily immoral.

Moreover, possession of specific technical skills and knowledge might be necessary for someone to perform an occupational role successfully, and therefore undertaking a role when one does not possess those skills or knowledge might be a breach of ethics. For one thing, undertaking the role without the necessary skills may cause harm. For another, it may constitute deception, if (say) one's clients falsely believe that one has the skills in question.

That said, possession of a technical skill, or of technical knowledge, does not in general confer a moral or ethical status. Being able to lay carpets does not in itself make carpet laying a morally virtuous activity. On the other hand, we regard some occupational roles as important by virtue of the moral goods that they bring about, e.g. doctors can save lives. Accordingly, we regard possession of the skills necessary to perform these roles – roles that realize moral goods – as moral or ethical virtues.

Some practices that are internal to a given occupation are matters of morality, and not because they violate some externally determined moral principle. For example, if a policeman fails to intervene in an attempted burglary, the policeman

has not only failed in his professional duty, he is also morally culpable. Similarly, a doctor is morally culpable if she fails to attend to a patient who is very ill. And a correctional officer who is negligent with respect to the security of prisoners in his/her charge is morally culpable; similarly for a nurse with respect to patients in his/her care.

Thus, in undertaking a particular occupation, individuals typically accept professional obligations, but some of these obligations are also moral obligations. These moral obligations are additional to the moral obligations that they had prior to entering the occupation; they are internal to the occupation.

Designing-in Ethics

In relation to some of the practical ethical issues, the problem lies more, so to speak, at the level of will than at the level of intellect.¹³ In the case of some such problems there is no particular intellectual confusion about whether the actions or policies in question are morally right or morally wrong. Rather, the problem is how to prevent or contain manifest wrongdoing, and how to promote virtue. Consider gross corruption. We all know, or should know, that the fraudulent transfer of billions of dollars from Russian banks into the accounts of criminals in the USA¹⁴ constituted wholesale theft of the savings of millions of Russian citizens, and was morally wrong; the problem is how to prevent such corruption and, more generally, how to promote integrity in institutions.

On the other hand, many of the ethical problems that we confront involve genuine intellectual confusion and dispute in relation to the morality of the actions or policies themselves. Consider euthanasia, abortion or the ethical problems that have arisen, and continue to arise, in the context of new scientific and technological developments. The degree of controversy would seem to indicate that it is far from self-evident whether, and to what extent, genetically modified foods ought to be produced, or what forms, if any, of cloning or human enhancement are morally acceptable, and if so, for what purposes.

We have distinguished between two kinds of ethical problems; those at the level of will and those at the level of intellect. However, it must also be stressed that manifest wrongdoing – a problem at the level of will – when it takes place on a large scale, or is complex in character, typically gives rise to intellectual problems, including intellectually problematic ethical dilemmas. Consider a rising crime rate. Crime is morally wrong, therefore we must combat crime. So far so good. But obvious measures such as harsher penalties, or incarcerating large numbers of offenders may not solve the problem, and in any case give rise to additional

13 See Miller, S., 'Research in Applied Ethics: Problems and Perspectives', *Philosophia*, vol. 37, no. 2, 2009, pp. 185–201.

14 'Russian money launderers plead guilty', at <http://news.bbc.co.uk/2/hi/americas/645717.stm> (last accessed 21 August 2009).

ethical problems. Harsh penalties or mandatory sentencing may violate principles of justice. Prisons are expensive, and may simply serve as incubators of crime.

Certainly, an appropriate balance often needs to be struck between (say), on the one hand, the benefits of providing law enforcement agencies with greater powers, and, on the other, the rights of suspects and offenders.

In cases where there is no moral balance to be struck between salient available options, or where all options are unsatisfactory, e.g. whether or not to increase regulation at the expense of economic efficiency or allow corruption to thrive, there is a need for creative thinking; a third option must be designed. This third option might be a single new practice or invention, e.g. 'turning' of the members of criminal organizations, negotiated prosecutions, miniature cameras, following money trails.

Design products, both institutional and technological, are all around us. They include highway systems, rail transportation systems, cars, tax systems, laws and regulatory frameworks, schools, universities, hospitals, corporations, business processes, clinical protocols, computer programs, household appliances, streets and squares, public buildings and houses. More and more people live in these extensively designed and engineered environments. Design is a ubiquitous feature of our contemporary world.

These institutional and technological contrivances empower us in a myriad of ways. They bring buyers and sellers together (markets), they educate us (schools), they provide us with transport (motorcars), and allow us to communicate over long distances instantaneously (mobile phones).

However, these very same humanly designed institutions and technologies also constrain our freedom to act. Motorways enable us to travel speedily by car from A to B; but motorways also require us to drive on one side of the road and along a predetermined pathway between A and B. The institution of the police enables us to conduct our daily business safely and without unwarranted interference; but equally the police constrain our activities in the public domain to do as we see fit.

So design products are ubiquitous; indeed, in part, constitutive of our human environments. And they empower us and constrain us. As such, design products have an important ethico-normative dimension. Hospitals and pacemakers enable us to save and prolong life. On the other hand, military organizations and weapons of mass destruction allow us to destroy lives. Indeed, quite frequently institutions and technologies have dual uses, ethically speaking: they can be used for good, but they can also be used for evil. Consider techniques for genetic engineering or the modern corporation.

Sometimes a moral end or moral feature is designed into an institution or technology; sometimes a morally desirable outcome is the fortuitous, but unintended, consequence of an institutional arrangement or technological invention. A paradigm case of a morally objectionable end being designed into an artefact was Robert Moses' low hanging overpasses in New York, which were intended to prevent the buses from the poor black neighbourhoods being routed to the beaches near New York – a favourite destination of white middle-class families. This

notion of designing in ethics is complex and elusive. In what sense, for example, are the ethical ends or moral aspects of hospitals or pacemakers a constitutive feature of these entities? And in what sense is there a designer? Institutions, for example, are typically the result of the actions of multiple agents interacting over generations. A further issue pertains to the conceptual, practical and moral limits on design. Here, it is especially important to note the moral limits on notions of designing or redesigning human beings per se. Some recent discussions on human enhancement, for example, offer a brave new world of future ‘super-humans’ with greatly enhanced sensory apparatus and possessed of prodigious memories and calculative capacities. The underlying conception of a human being informing some of the more glib pronouncements made in this connection is that of a computerized robot – a conception that is as facile as it is dangerous.

At any rate, one set of concerns is with these and other theoretical issues. A second set of concerns pertains to various instances of *designing ethics* into institutions and technology.

Hitherto, the study of ethics has tended to focus on the analysis of pre-existing concepts, and the adjudication between predetermined options – such adjudication often being understood in terms of a process of weighing up the moral considerations inherent in these given options. By contrast, a more recent favoured approach to the study of contemporary ethical issues, which (following Jeroen van den Hoven¹⁵) we will refer to as ‘designing in ethics’, emphasizes the need to create or expose additional options and, thereby, reconfigure or re-design the option set.

As van den Hoven points out, this design turn in applied ethics is the third and the most recent phase in the development of contemporary ethics. After an almost exclusive focus on meta-ethics at the beginning of the 20th century, there was an applied turn in the latter decades of the 20th century. However, this applied turn consisted of the application of existing theory to practical problems, and involved primarily the above-described static process of adjudication between pre-existing options.

By contrast, we are insisting on the need to identify and articulate a rather different category of questions in applied ethics. It is not simply a matter of this familiar type of question: ‘Given this situation and given the fact that there are two options A and B open to the individual chooser (e.g. chooser in a prisoner’s dilemma scenario, chooser in a Judith Jarvis Thomson trolley scenario) what should she do?’ For we also need to focus on the following type of question: ‘How can we redesign the option set such that there is another option C – an option that is additional to the currently existing options A and B?’ Crucially, option C meets all our ethical requirements and does not force us to choose between them.

Gradually applied moral philosophers working on real life problems are coming to realize the possibility and importance of designing-in ethics to institutional

15 Van den Hoven, J., ‘Computer Ethics and Moral Methodology’, *Metaphilosophy*, vol. 28, no. 3, 1997, pp. 234–249.

arrangements, such as economic incentive structures and legal frameworks, and to technical and engineering artefacts and infrastructures, such as surveillance systems and computer programs. Here, the key point is that moral philosophers need to be part of the process of designing institutional arrangements and new technologies. In this book we seek to make a contribution to the designing-in ethics enterprise by designing the broad contours of an integrity system¹⁶ for occupational groups.

An integrity system, as we use the term in this book, is an assemblage of institutional entities, roles, mechanisms and procedures, the purpose of which is to ensure compliance with minimum ethical standards and to promote the pursuit of ethical goals.

Here, we note that although regulatory frameworks and integrity systems typically overlap – and ought to be mutually reinforcing – they are not identical notions. This is because a regulatory framework is a structured set of explicit laws, rules or regulations governing behaviour, issued by some institutional authority and backed by sanctions.

In Chapter 2 we elaborate our account of integrity systems. First, however, we need to focus our attention on an important object of such systems, namely, occupational groups.

16 See, for example, Sampford, C., Smith, R., and Brown, A.J., 'From Greek Temple to Bird's Nest: Towards a Theory of Coherence and Mutual Accountability for National Integrity Systems', *Australian Journal of Public Administration*, vol. 64, no. 2, 2005, pp. 96–108.