

The Origin of Ethics: A Foundation of Integrity

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“The unexamined life is not worth living”

-Socrates

Where Does the Word “Ethics” Come From?

- ▶ The word "ethics" is derived from the Greek word *ethos* (character), and from the Latin word *mores* (customs). Together, they combine to define how individuals choose to interact with one another
- ▶ Ethics, also described as moral philosophy, is a system of moral principles which is concerned with what is good for individuals and society.
- ▶ The known history of pure ethics or ethics (moral) theories begin with ancient Greek philosophers (Sophists, Socrates, Socratic schools, Plato, Aristotle, Epicurus, Stoics) and after recovered by early English positivists has been the main topic of discussions in the Medieval times in Europe.

Inquiries

- ▶ What does the word ethics mean to you?
- ▶ What does being an “ethical professional” mean to you?
- ▶ Does being a “good person” mean that you are ethical?
- ▶ How do you come to an ethical decision?
- ▶ What are some “ethical behaviors” with regards to being a paralegal?

The Trolley Problem

- ▶ The trolley problem is a thought experiment in ethics.
- ▶ You see a runaway [trolley](#) moving toward five tied-up (or otherwise incapacitated) people lying on the tracks. You are standing next to a lever that controls a [switch](#). If you pull the lever, the trolley will be redirected onto a side track and the five people on the main track will be saved. However, there is a single person lying on the side track. You have two options:
- ▶ Do nothing and allow the trolley to kill the five people on the main track.
- ▶ Pull the lever, diverting the trolley onto the side track where it will kill one person.
- ▶ Which is the most ethical option?

Relativism

- ▶ The doctrine that knowledge, truth and morality exist in relation to culture, society or historical context and are not absolute.
- ▶ Ethical relativism is theory that holds that morality is relative to the norms of one's culture. That is, whether an action is right or wrong depends on the moral norms of the society in which it is practiced. The same action may be morally right in one society, but be morally wrong in another.
- ▶ The truth of a subjective claim (a claim of preference such as "mint chocolate chip is the best flavor of ice cream") is relative to the person or culture (the subject) making the claim.
- ▶ What is an example of relativism in your life?
- ▶ Can you think of an example where one culture might claim something that might not be true for another culture?

Absolutism

- ▶ Absolutists make an effort to apply complete or universal standards across all situations. In general, absolutism is used in contrast to relativism and sees situations as fixed and not based on relative circumstances. For the absolutist, there are certain actions and behaviors that are not determined by situational variables, but are correct or right on their face.
- ▶ Are there any circumstances that warrant absolutism?
- ▶ What are the things you are absolutist about?
- ▶ What is the basis for your beliefs?

Situationalism

- ▶ Situationalism holds that the current circumstances or situation should be used as a guide or basis for making choices about right and wrong, in essence, arguing that the ends justify the means. For a situationalist, something bad can be considered good, if the result it leads to is positive. True situational ethics downplay other factors influencing our decision making like religion, cultural values, audience interests, and often rationalize “right and wrong” as what is “good or bad” for the individual(s) involved at a particular time.
- ▶ What is one area where you base your decision based on a situation?
- ▶ Is being situationally oriented ethical?

Categorical Imperative

- ▶ Immanuel Kant, a eighteenth century German philosopher, holds that one's actions should be undertaken as if s/he has the power to make them universally acceptable.
- ▶ Kant's theory is an example of a **deontological** theory.
- ▶ Why is it that we believe something should be a certain way, and expect everyone to align with that belief, even when we do not personally adhere to it?

Deontology vs. Consequentialism as Defined by Wikipedia

- ▶ Deontology is the [normative ethical](#) theory that the morality of an action should be based on whether that action itself is right or wrong under a series of rules, rather than based on the consequences of the action
- ▶ Example: It is impermissible to commit sexual assault because it is against the rules of morality.
- ▶ Consequentialism holds that the [consequences](#) of one's conduct are the ultimate basis for any judgment about the rightness or wrongness of that conduct. Thus, from a consequentialist standpoint, a morally right act (or omission from acting) is one that will produce a good outcome, or consequence.
- ▶ Example: Lying under the threat of government punishment to save an innocent person's life, even though it is illegal to lie under oath.
- ▶ Some argue that consequentialist and deontological theories are not necessarily mutually exclusive. For example, [T. M. Scanlon](#) advances the idea that [human rights](#), which are commonly considered a "deontological" concept, can only be justified with reference to the consequences of having those rights

Exercise #1

- ▶ Your attorney approaches you and asks you to sign a document for him and tells you the client gave him permission to do so.
- ▶ In your group, come to a conclusion on why you would or would not sign the document and cite the type of ethics you utilized in coming to your conclusion.

Exercise #2

- ▶ A person you manage tells you that they attend a local church that practices aspects of their heritage and culture, which, among other things, utilizes animal sacrifice as a form of devotion. The person you manage is up for a raise and a promotion. The decision is up to you on whether or not they deserve a raise. They have done a decent job over the past year and have only made a handful of mistakes.
- ▶ Do you recommend moving forward with the raise and promotion and what ethical school of thought did you use to come to that conclusion?

What do Ethics have to do with the Practice of Law?

- ▶ In terms of where **ethics come from**, they come from society and the collective beliefs and values of its citizens. But, more specifically, **ethics also come from those individuals** willing to make difficult choices and think about big questions: good and bad, right and wrong.
- ▶ Law is a system of rules and guidelines which are enforced through social institutions to govern behavior.

Integrity as Defined by Wikipedia

- ▶ **Integrity** is the quality of being honest and having strong moral principles, or moral uprightness. It is a personal choice to hold one's self to consistent standards.
- ▶ The word *integrity* evolved from the Latin adjective [*integer*](#), meaning *whole* or *complete*. In this context, integrity is the inner sense of "wholeness" deriving from qualities such as [honesty](#) and consistency of [character](#). As such, one may judge that others "have integrity" to the extent that they act according to the values, beliefs and principles they claim to hold.
- ▶ Significant attention is given to the subject of integrity in law and the conception of law in 20th century philosophy of law and jurisprudence centering in part on the research of [Ronald Dworkin](#) as studied in his book [Law's Empire](#). Dworkin's position on integrity in law reinforces the conception of justice viewed as fairness.

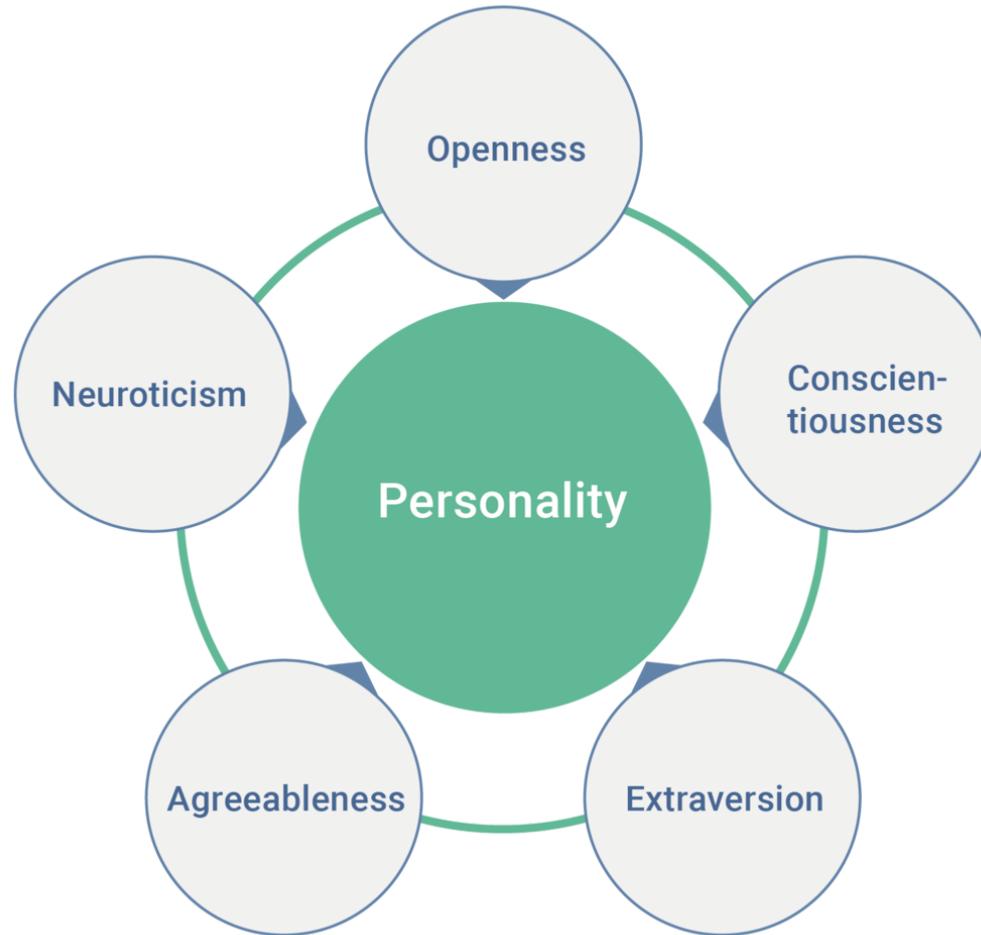
What is the Relationship Between Integrity & Character?

- ▶ Integrity: Steadfast adherence to a strict moral or ethical code. When you combine character and integrity here's what you get: character is one's moral and ethical code, and integrity means that one **lives** according to that code. Thus, someone who **lives** with integrity, **lives** according to their moral values

Is Your Character Something that You have Control Over?

- ▶ Nature vs. Nurture
- ▶ Think of a recent time where you had to make a decision that some people may have disagreed with...
- ▶ How did you come to your decision?
- ▶ Were you integrity with your ethical code?

Big 5 Personality Traits



What do the Big 5 Personality Traits have to do with Ethics?

- ▶ Openness to experience (*inventive/curious vs. consistent/cautious*). Appreciation for art, emotion, adventure, unusual ideas, curiosity, and variety of experience.
- ▶ Conscientiousness (*efficient/organized vs. easy-going/careless*). Tendency to be organized and dependable, show self-discipline, act dutifully, aim for achievement, and prefer planned rather than spontaneous behavior.
- ▶ Extraversion (*outgoing/energetic vs. solitary/reserved*). Low extraversion causes a reserved, reflective personality, which can be perceived as aloof. Extroverted people tend to be more dominant in social settings.
- ▶ Agreeableness (*friendly/compassionate vs. challenging/detached*). Tendency to be compassionate and cooperative rather than suspicious and antagonistic towards others.
- ▶ Neuroticism (*sensitive/nervous vs. secure/confident*). Tendency to be prone to psychological stress. The tendency to experience unpleasant emotions easily, such as anger, anxiety, depression, and vulnerability.

How to Generate Integrity

- ▶ Come up with your own code of ethics
- ▶ Look for areas in your life where you might be out of integrity with your code of ethics
- ▶ Look for opportunities to align with your code of ethics
- ▶ Before bed, check in with yourself to see if you were able to be in integrity that day with your code of ethics

When You are Working with Someone Who is Unethical...

- ▶ Ask yourself if you are emotionally triggered by this person
- ▶ Ask yourself if it is in your highest and best good to continue to work with this person
- ▶ Ask yourself if continuing to align yourself with this person will hurt or help your reputation
- ▶ If the unethical person in question is an attorney, do you report the unethical behavior?
- ▶ If the unethical person in question is a peer, do you report the unethical behavior?
- ▶ How can you be certain that you are not coming from a bias?

Resources

- ▶ <http://blog.nus.edu.sg/is1103g5/2013/03/01/relationship-between-ethics-and-laws/>
- ▶ <https://pagecentertraining.psu.edu/public-relations-ethics/ethical-decision-making/yet-another-test-page/>
- ▶ https://commons.wikimedia.org/wiki/File:Wiki-grafik_peats-de_big_five_ENG.png#/media/File:Wiki-grafik_peats-de_big_five_ENG.png
- ▶ <https://pagecentertraining.psu.edu/public-relations-ethics/ethical-decision-making/yet-another-test-page/>
- ▶ <http://www.hup.harvard.edu/catalog.php?isbn=9780674518360>
- ▶ https://en.wikipedia.org/wiki/Trolley_problem

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