

Should a Communitarian Ethic Be Taught?

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In a recent edition of *Society*, Amitai Etzioni set out the case for a communitarian ethic (Etzioni 2013). Those familiar with Etzioni's work will know how thoughtful and insightful he is, and how refreshing his candor with respect to the teaching of professional ethics in universities. He has long noted how ghettoized the teaching of ethics has become in professional schools. His most recent discussion of this issue turns our attention to the current methodology of ethics education, and the cultural trends of the last 20 years or so that have led to the adoption of a quasi-libertarian approach to the teaching of ethics. The result, as Etzioni points out, is a kind of moral agnosticism on the part of professor and student, with a "smorgasbord of ethical approaches" presented in much the same way that students are presented with different consumer items. Little wonder, then, that with so little commitment to the core values of a community, a crude moral relativism results and the study of ethics is simply not taken seriously. Professors in professional schools often think it should not be taught at all, that people get all the ethics they require from family life or church. Finding themselves overwhelmed with moral choices, students tend to rely on "compliance" where the values of a particular profession or institution invariably trump those of the common good; this, despite the fact that the 2002 Sarbanes-Oxley Act required the implementation of both compliance *and* ethics programs (Gabel et al. 2009). By contrast, Etzioni notes, those individuals who have not experienced the education afforded by professional schools—those whom he regards as the "salt of the earth"—tend to have a much firmer grip on a community's "core values."

Etzioni's is not a lone voice. As a number of different writers have noted, a concern with technical competence and

"expertise" often trumps attention to moral norms in professional schools. There is evidence to suggest that graduates have little idea about the ethical issues they might face in their professional lives beyond a crude appreciation of their profession's codes of conduct, combined with a mixture of moral intuition and ethical relativism (McGinn 2003; Paine 2000; Rhode 2003). As Robert Gordon concluded in a recent discussion of the legal profession, by and large the most recent generation of lawyers understand full well that they are expected to give almost total loyalty to clients in an environment where fear of liability trumps any thought about duties to something as nebulous as "the public interest" or common good (Gordon 2009).

What then can be done? Etzioni offers a dual approach rooted in the sociology of community life, beginning with the moral standards taught in the home, accompanied by community standards, the "self-evident" truths proposed by the founders. In this way, the core commitments of a democratic community—of "fairness," and "human rights," alongside a "respect for private property and markets and a thorough rejection of command-and-control economies, and so on"—may be identified. While one might disagree over the precise meaning of these terms, Etzioni insists that a basic agreement over their importance is possible and should not be lost sight of. To put this another way we might say that in addition to a commitment to procedure, to the abstract rules that form the basis of community such that, to quote Immanuel Kant, "a race of devils" might govern one another, there are assumptions or intuitions that guide and shape those procedures.

I find this view compelling, for much the same reason that Kant and Rawls found it compelling. Kant noted in the *Metaphysics of Morals*, that an 8 or 9 year old girl would know what to do in the following situation: "You are entrusted with some money. The owner of the money dies. Her children, the heirs to the estate, do not know of the existence of such a sum. Meanwhile, disaster strikes. You are facing ruin. Should

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you, therefore, given your dire straits keep the money and say nothing?” For any economists reading this, the answer is ‘No’ (See Frank et al. 1996). It was obvious to Kant, too, and it permitted him to construct an abstract principle on the basis of that intuition: your actions are moral if you can develop a rule or principle that, if it were applied to everyone else, would not contradict itself.

Similarly, John Rawls moved from the abstract contentions of his *Theory of Justice* (1971) to a more colloquial and culture-specific appreciation of what he called “political liberalism.” Instead of defending philosophically suspect notions like “autonomy” for example, Rawls thought that it was possible to identify within an “overlapping consensus” certain concepts, notably “reasonableness” and “fair-mindedness,” that all liberal citizens were assumed to share. Indeed, Rawls and his followers advocated principles for a just liberal order based on intuitions they assumed would be considered uncontroversial within “reasonable pluralist” societies. The *Theory of Justice*, noted the late Richard Rorty, was not a “philosophical account of the human self, but only...an historical-sociological description of the way we live now” (Rorty 1991).

This naturally begged the question, of course, who is this “we”? In fact, this question really goes to the heart of the communitarian proposal—just which community’s core values are to be defended? The ensuing controversy generated by Rawls’ remarks, particularly his notion of an “overlapping consensus,” led defenders of cultural identity and difference to point out that the identification of (supposedly) uncontroversial, shared, moral intuitions were, in fact, unwelcome impositions. Some liberal defenders on the other hand wished to advocate for thicker, even more substantive ethical commitments. The resulting impasse produced a third option: that, over time, it might be possible that a liberal ethos would be imparted by osmosis, and that the effects of living in a “reasonable culture” would somehow rub off on otherwise illiberal groups.

This is all to say, of course, that while there might be “core values” as soon as one starts discussing them in any detail what emerges are divisions over the nature of these commitments not because they are shared but because, as Nietzsche pointed out, within every community there are always a “hierarchy of values” at work, often employed by elites in order to manufacture social solidarity, a commitment to the common good, and the like (Nietzsche 1899). The communitarian ethic seems to fight against the contingency of morality by claiming that the ethics is already there (when it may not be) and by denying that it is an imposition (when it might well have to be).

There are other issues that complicate the adoption of a communitarian ethic, however. The commitment to “private property and markets” that Etzioni considers a core element of democratic societies contains tensions that cannot easily be resolved when placed alongside ethical codes that consider

happiness and the highest virtue (Aristotle), never using a person as a means to an end (Kant), or loving your neighbor as yourself (Christ and J.S. Mill). The result is that discussions of ethics in professional schools and corporations invariably instrumentalize their teaching precisely because the competing views of homo economicus and “the bottom line” trump consideration of “the good” in its various forms. Few today would question the authority of the market or market norms, though some are now trying (Brecher 2004; Satz 2010; Walzer 1984). Classes on professional ethics therefore appear as an unwilling compromise on behalf of deans and faculty concerned with more “relevant” issues, with renewed interest occurring only after scandals make the headlines. It is little wonder then, that faculty (not to mention students) express such cynicism towards the teaching of ethics. When the broader issues of how one should live are set alongside learned commitments to institutional norms and behavioral controls, corporate codes of ethics appear to have little basis in reality (Enron, famously, had one of the most impressive codes of ethics and well-funded ethics offices). When creative thinking about ethical dilemmas is reduced to an annual 2-hour online training module, or “reading from the binder” as the writers of the hit show *The Office* put it in their spoof on ethics-training day, how can you be expected to take a discussion of “the good life” seriously?

Perhaps our collective ambiguity towards the purpose of ethics-training is nowhere greater exemplified than in the case of the whistleblower, a person who is at once vilified and regarded as a moral hero, forced to make a choice as one professor of business ethics put it recently between betraying one’s company or one’s humanity (Bouville 2007). While the law has gradually evolved over the last four decades to reflect a much more supportive role for whistleblowers, a high percentage, however noble their cause, continue to face professional and financial ruin, high rates of divorce, mental health issues, and physical problems related to their decision to “do the right thing.”

Corporations, understandably, do not wish to encourage whistleblowing and do their best to regulate what they regard as the excessive moral zeal of their employees. In cases like these, professional ethics textbooks can offer only limited guidance when the ethical conflict is acute, “when the angels are missing.” Consequently, there are examinations of the pros and cons of resignation for senior professionals, the consequences of quitting for others, and in rare cases whether or not one should leak information to the press. A clear message is often what students desire in situations like these so who can blame them for being impressed when they hear it. On one memorable instance, a high-profile whistleblower invited to an ethics class I attended at an elite law school responded, much to the consternation of the professor present, that if they had to do it all over again they would definitely *not* blow the whistle. The costs were simply too great.

Identifying core democratic commitments and encouraging their flourishing is undeniably important. But the solution to the dilemma that Etzioni sets out to address cannot, I suspect, be resolved by a renewed commitment to a communitarian ethic alone. The bigger problem, already hinted at, is this: while advanced, developed societies claim to be democratic in some form, public bureaucracies and private corporations are organized internally in a pre-modern fashion, “neither liberal, democratic, marketized, nor individualistic, but instead are hierarchical, semi-cooperative, and organized through authority relations” (Ciepeley 2013). Outside of the modern American workplace most of us live in the twenty-first century. Cross the threshold to the office, however, and we step back in time to an arrangement that would not have been out of place in the sixteenth.

The paradox of modern life is that, as Max Weber noted, without collective obedience within organizational settings, the basic structure of large societies could not be supported and maintained. As a consequence, individuals find themselves within institutional structures that tend to encourage specialization and heteronomous thinking—“a cog in an ever-moving mechanism” as Weber put it in his discussion of *Bureaucracy*. This is a problem for any moral system that requires independent judgment on the part of the individual whatever community they happen to belong to. And it is a problem, too, for societies that wish to avoid committing great harms in the name of efficiency or the national interest. Fifty years of social science data suggests that too ready obedience to (legitimate) authority can result in what some have called “administrative evil” with procedural values replacing substantive ones, and without due care and attention to the effects or outcomes of policies and procedures (Adams and Balfour 1998).

By and large, I think that this dilemma is understood though not always explicitly acknowledged. The result has been to hyphenate ethics training. Not only is there legal-ethics, business-ethics, engineering-ethics, and so on, but there is also leadership-ethics (an ever-growing field) and followership-ethics (much less so). The resultant *ethical division of labor* reflects the nature of authoritarian relationships within those institutions where most of us spend a good portion of our lives. The implicit message seems to be this: be ethical in your private life but in public keep your head down and obey the rules (Callahan 2004).

Rather than leading to the conclusion that what this requires is *less* discussion of ethics in higher education and business schools, I suggest that it requires much more; if, that is, we are ever to take ethics seriously. It is absurd to think that sufficient ethical training can be taught in the home or may be gleaned from watching television or movies, as some critics like to suggest. This position conceals an often not-so-well-hidden elitism that assumes that some are born to lead and others merely to follow—not a very democratic perspective

and one that ignores the fact, contra elite theorists, that most of us occupy both positions (leader and follower) at different times. In complex, modern societies where people face competing and often incompatible demands as citizens and professionals (within democratic and authoritarian settings), individuals are unlikely to recognize when ethical wrong-doing occurs and what they can do to prevent it without practicing creative ethical thinking. Institutions of higher learning, professional schools, *and* the workplace can provide that ongoing training for life as a citizen in a democracy.

For this reason, I think Michael Sandel, to whom Etzioni refers in his article, is essentially correct in suggesting that politics (understood as communal engagement) is the place we can sort out our differences, discuss institutional goals, and, I would add, take charge over how we work (to some extent) to achieve communal ends. What was true for Aristotle is true today: *that we learn by doing*. There is also considerable evidence to suggest that this is a dynamic process, that we change our minds and develop our judgment when exposed to competing ideas in a public forum, and that giving people more autonomy in their working lives does not lead to anarchy but a sense of empowerment and increased responsibility. People learn to be citizens by sharing in the responsibilities of governance. Without a doubt, this thoroughly democratic approach to the practice of politics and ethical learning will be disruptive of authoritarian structures that find it simpler to rule in an undemocratic fashion. But perhaps it is time to rethink why corporations and other, non-democratic institutions behave as they do in order to create spaces for thinking about ethics and for thinking, as the philosopher Hannah Arendt once noted, about what we are doing as individuals and as a society.

Further Reading

- Adams, G., & Balfour, D. 1998. *Unmasking Administrative Evil*. London: Sage Publications.
- Bouville, M. 2007. Whistle-blowing and Morality. *Journal of Business Ethics*, 81, 1–12.
- Brecher, B. 2004. Against Professional Ethics. *The Philosophy of Management*, 4, 3–8.
- Callahan, D. 2004. *The Cheating Culture – Why More Americans Are Doing Wrong to Get Ahead*. New York: Harcourt.
- Ciepeley, D. 2013. Beyond Public and Private: Toward a Political Theory of the Corporation. *American Political Science Review*, 107, 139–158.
- Etzioni, A. 2013. To Lie or Not to lie – Where is the Question? *Society*, 50(5), 435–438.
- Frank, R., Gilovich, T. D., & Regan, D. T. 1996. Do Economists Make Bad Citizens? *The Journal of Economic Perspectives*, 10, 187–92.
- Gabel, J., Mansfield, N., & Houghton, S. 2009. Letter vs. Spirit: The Evolution of Compliance into Ethics. *American Business Law Journal*, 46, 453–486.
- Gordon, R. 2009. The Citizen Lawyer- A Brief Informal History of A Myth With Some Basis in Reality. *William and Mary Law Review*, 50, 1198.

- McGinn, R. 2003. Minding the Gaps: An Empirical Approach to Engineering Ethics, 1997–2001. *Science and Engineering Ethics*, 9, 517–42.
- Nietzsche, F. 1899. *The Genealogy of Morality*.
- Paine, L. S. 2000. Does Ethics Pay? *Business Ethics Quarterly*, 10, 319–330.
- Rhode, D. L. 2003. In *The Interests of Justice: Reforming the Legal Profession*. New York: Oxford University Press.
- Rorty, R. 1991. *Contingency, Irony, Solidarity*. Cambridge: Cambridge University Press.
- Satz, D. 2010. *Why Some Things Should Not Be For Sale: The Moral Limits of Markets*. Oxford: Oxford University Press.
- Walzer, M. 1984. *Spheres of Justice: A Defense of Pluralism and Equality*. New York: Basic Books.
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