

Why do we Need Ethics while having Laws to Protect People's Rights

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Abstract

Ethics is the study of alternatives people make regarding right and wrong. Each of us makes a lot of moral choices daily, whether to follow project protocol, or break it; respond to a colleague's question sincerely or make believe; obey the speed laws or drive as fast as the car will go; pay the tuition fee or spend money on traveling; keep the marriage vows or break them.

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Introduction

Decisions about Right and Wrong

In most time periods and locations people have accepted the permanence of moral standard connecting all people notwithstanding their personal desires and predispositions. Surely, there was not always absolute agreement on what standard was. Although, over the past several decades, that requirement has been casted doubt on. It is popular in modern world, to consider that decisions about right and wrong are entirely personal and subjective. This belief is admitted as relativism. It implies, that whatever anyone asserts to morally acceptable, is morally acceptable, in any case for that person. Judging other people's conduct is regarded intolerant (Ruggiero, 2004). Doesn't this consideration remind us of Parochialism, or myth that My Way is the Only Way? Parochialism is the assumption of a restricted perspective – that there is only one way, my way of doing anything. It implies confidence that my way of living is the only way of living, that all other ways of living are lower.

Personal decisions about right and wrong can also be linked to Ethnocentrism – the assumption that even though there are many ways of achieving anything, my way is the best way. Ethnocentrism tends to induce to arbitrate the other people and groups as inferior: I see you as an inferior variant of me (Adler, 2000).

What is the history of ethics?

Historians usually divide the history of ethics in Western thought into three periods: the classical, the medieval, and the modern. Although any division is arbitrary, the divisions enable us to observe main unfoldings more thoroughly and see modifications and shifting aspects more vividly.

The Classical Period

The classical period of ethical thought spreads out from 500 B.C. to A.D. 500. At the beginning of this period, speedy change was taking place in Greek society. Once an agrarian monarchy was now shifting into a commercial industrial democracy. Alteration brought new questions towards old values and traditions. The ethics of the time mirrored the main characteristic of the society, the city-state. The moral pivot was the duty of the individual as a citizen. Ethics' function was to furnish the soul as medicine delivers care to the body.

With values in fluidity, numerous moral views clashed with the traditional attitude. The Sophists, a group of teachers – sophists teaching while traveling, inquired to what degree morality was a question of nature and to what degree a case of custom and tradition. They maintained that good and evil are topics of personal decision or social agreement. More liberal Sophists proposed that morality was the question of convenience only.

Socrates (469-399 B.C.) was the central character of the classical period, and is considered as the father of western philosophy. His many considerations were recorded in the writings of his pupil Plato. Like the Sophists, Socrates opposed the idea, that tradition explains conduct. However, he argued that morality is above personal choice or convenience, and believed to construct a comprehensive collection of ethical principles to direct behavior. The principal option here is human reason, the thorough scrutiny of beliefs and demeanor and the coherence that supports them. His central point was self-exploration.

Socrates is popular for his philosophic method. He asked people questions about prominent issues (justice, virtue), then considered the answers given by people, revealing obscurity and incongruity, made clear problems, and promoted examination. He was the first to research the connection between facts and values, an ethical matter.

Plato (427-347 B.C.) based upon the teaching of Socrates. He shared Socrates' view that the life of intellectuality is the best life. For both men feeling apprehension and bodily pleasure were less attractive than intellectual area, but they varied in their priorities. Socrates maintained, that he enjoyed himself at all stages of involvement in a balanced way. He considered, that nothing should be done overindulgently, that balance should be the guideline in everything. Plato's attitude was more severe. His rejection of bodily pleasure and perception of feeling made him a religious ethicist.

Plato's main concept was that the real world is not the world that our feelings recognize, but the world of ideas. According Plato, the tangible materiality that is encompassing us, is just an inadequate speculation of the world of abstract concepts, or shapes, which are perpetual and ageless. The most crucial reality in this world is the idea of Good. Goodness for Plato was the main reality about the universe, and the pivotal objective of his ethical system is to acquire an insight of the Good.

Aristotle (384-322 B.C.) was a student of Plato and pursued his and Socrates' philosophical tradition. However, Aristotle's focus diversified from Plato's. He disagreed upon Plato's theory of forms. Form cannot be separated from concrete objects, as he mentioned, "no form without matter, no matter without form" (ibid, p. 143).

Thus, Aristotle declined the notion that Good persists individually, apart from daily activities of human identity. According him, moral principles are present in the daily activities of a human being and can be disclosed by studying those activities. Happiness is to be reached by working out one's capability for a life of rationale. The life of rationale has two purposes: the trailing of truth through contemplation and appreciation, and seeking of goodness, ethicalness through clever conduct. Virtue, for the philosopher, was an intermediary between exorbitance and inadequacy, fault. Although some actions like murder or theft, he considered as bad in themselves and had no midpoint.

Not every thinker of the classical period had the same attitudes of Socrates, Plato, and Aristotle. For instance, the Cyrenaics, and later Epicureans highlighted human feelings, and desires and instructed that the estimate of an action is the quantity of pleasure it brings, known as "hedonism". Epicurus, although, made a keen contrast between "natural" pleasures, like tranquility and the absence of malnourishment and "unnatural" pleasures, like greed and lust, appreciating only the former (ibid, p.143). Many differences in attitudes of the classical period thinkers over pleasure and duty, continued to separate thinkers throughout the centuries.

The Medieval Period

The second era in the ethics of the Western history is the medieval time, which comprises the period of 500-1500. Its intellectual and social background was Christianity. As the theology of Christianity (outgrowth of Judaic thought) extended over Europe, the concept of the citizen's relation to the state was substituted by the concept of the individual's commitment to God as introduced in the Bible and interpreted by the Church. Medieval ethics incorporated the classical accent on human reason with the idea of obedience to God's will.

Two distinguished thinkers of medieval thought were: Saint Augustine (354-430) and Saint Thomas Aquinas (1225-1274).

In remarkable works "Confessions" and "The City of God", Augustine turned Plato's philosophy into the foundation of Christian ethics. Augustine's doctrine was two-sided. On the one side, the life of reason, intellectual part advances to temporal well-being; on the other, faith guides to the protection and eternal happiness. As this life is only a preparation for the afterlife, according to Augustine, no genuine happiness is achievable here.

Accordingly, the idea of Good for Augustine was two-sided: the natural, worldly side and the

supernatural, other – worldly side, with the supernatural overpowering.

Augustine viewed man as having fallen from God's endowment through original sin but maintaining free will and duty for his actions.

The Platonic system of Augustine was so highlighted in the early Middle Ages that Aristotle was forgotten until the period of the second renowned medieval thinker, Saint Thomas Aquinas (1225-1274). Aquinas rediscovered Aristotle, christianized his philosophy, and made it the cornerstone of the philosophical standpoint of the later Middle Ages.

Aquinas intended to illustrate the harmony between Aristotle and Christianity. He educated that ethics has two dimensions – the natural and theological. According to him, natural ethics contains evolution of reason and practice in living morally and stress to earthy happiness.

Theological ethics involves attaining the morality of faith, hope and charity through God's endowment and guides to eternal life with God. Aquinas regarded that the Natural Law – the godly law as fixed in the heart of man – can be ascertained by reason and nurtured by moral sense. By authorizing people to turn to secular knowledge without wrongdoing, Aquinas constructed the way for the exposure of a more empirical view of humanity and of ethics (ibid, 144).

The Modern Time

The third period in the dynamics of ethics stretches from 1500 to the present. The sixteenth and seventeenth centuries were periods of cognitive turmoil. The Protestant Reformation disputed the predominance of the Roman Catholic church and initiated the idea of each person's clarifying the Bible for himself or herself.

The influence of this suggestion was expanded with the creation of the printing press and the transfer from Latin to the conversational form.

Consequently, presumably most significant, the work of analysts, ex.: Copernicus, Galileo, and Harvey shifted the attention of philosophers from theological to scientific interpretations.

Thomas Hobbes (1588-1697) was the first philosopher to consistently study ethics from a scientific viewpoint. He tried to reveal that in humanity's primitive condition the command of self-defense engenders a morality founded on self-regard. In that situation, Hobbes pointed, the notion of right and wrong do not exist; they only start to emerge when the civil society is constructed. The only way civil society can control the following of individual's self-interest and the disagreement that such strive necessarily engenders is to have everyone give loyalty to the sovereign.

Hobbes trusted the Golden Rule, but he also presumed that people could not be relied to exercise it. With too much reliance on each person to pursue his or her conscience, according Hobbes, the autonomous power – whether “monarch or assembly” – must guarantee “the safety of the people”.

There was sharp feedback against Hobbes's ethical outlook. Many ethicists debated those human beings are not subject to self-preservation. They have a moral preparedness, a special rational sense that accredits them to identify and differentiate right and wrong. Some depicted it as “intuition”, others as a “moral sense” – a natural appreciation of ethicalness, goodness.

In the eighteenth century, David Hume (1711-1766) suggested an ethical theory, that was in a way comparable with John Locke's postulate. Locke (1632-1704) debated that pleasure is the merit of moral judgment. Reflections of pleasure or pain, he pointed, guide us to shape visions of fairness and morality and thus evolve a structure of moral apprehension. Hume suggested that the merit of moral assessment is bilateral. One part of it is impartial – the result of the action under discussion. The other side, the main part is subjective – a feeling of pleasure. Hume did not support of doing anything we like. He argued that every human being is inclined to favor others than being self-

gratifying. In Home's view, reason alone cannot respond to moral issues. But a "moral conviction" picks what is effective or pleasant.

The Ethics of Duty (Deontology)

The work of Immanuel Kant (1724-1804) "The Fundamental Principles of the Metaphysics of Morals" he introduces his attitude towards the groundwork of morality. He accepted Hume's view concerning feeling. He asserted that moral assessments are not pronouncements of feeling, but commands and thus can be coped with thought. That is to say, certainty is not engendered from observation, but is an outcome of intelligence.

Notions that are usually called "good", e.g.: intelligence, courage, and perseverance, are in Kant's words only positively acceptable if they are combined by the person's good will, or good character. It is goodwill that guides people to do what they "must do", and not what they desire to do, or what will favor them. Despite the fact, that Kant acknowledged that happiness is preferable, he argued that mind can never acquire happiness; it can only attain goodwill.

Kant asserts, that the foundation of moral action is obligation. People's goodwill obliges them act for commitment, and acting for obligation, attributes their action moral values. The core theory is an "unconditional command" obligatory for all people, as it is asserted by reason, and every sensible person undertakes his or her obligation to follow rationale.

The Ethics of Consequences (Teleology)

Another outstanding breakthrough in modern ethics is the thought of John Stuart Mill (1806-1873). Different from many ethicists, Mill is not the author of his own system of ethics. He supported a doctrine constructed earlier by his father, James Mill, and by Jeremy Bentham. The system is called utilitarianism, and its main assumption is that the uprightness or

incorrectness of actions is defined by the uprightness, or badness of their results. Mill's essay "Utilitarianism" tackles precisely ethics.

Mill's utilitarianism is a hedonistic ethics: it considers pleasure or happiness the standard of moral assessment. Mill confesses that some pleasures are of higher status than others. Utilitarianism considers that "Utility, usefulness, or the Greatest Happiness Principle" is the bases of morals. He asserted too, that some people pursue the concept, as they look for the approval of friends and neighbors, or they scare the indignation of God. Although such external incentives are second-rate to the internal motivation: an inner feeling for humanity. This feeling has been called "generalized benevolence" (ibid, 147), a viewpoint that everyone's happiness is equivalent and one's own happiness should not be sought at other's cost.

However, Mill believed that the internal feeling for humanity is gained rather than innate. Whether attained or inborn, he suggested it, doesn't matter. The core issue for him was that it is present, that it is a strong conception, and that in its concentration on the happiness of all people it constructs the strongest ethical standard.

Since the period of Mill, a number of ethical concepts have been developed. Noteworthy among recent theories has been the "Good Reasons" attitude followed by modern philosophers like Stephen Toulmin, Kurt Baier, Kai Nielsen, and John Rawls. The major accent of that viewpoint is the question: "When is a reason for a moral judgment a good reason?" These ethicists argue, that the primary purpose of moral discussion is not to promote theories or to reveal individual perspectives, but to direct conduct (ibid, 147).

James Madison fixed in the "Federal Papers" 200 years ago, "If angels were to govern men, neither external nor internal controls on government would be necessary". Madison predicted that in the future the United States would witness political scandals. From the 1789 swearing in of President George Washington to the 1828 election of President Andrew Jackson, the

United States witnessed comparatively few government ethics scandals. From 1828 to the enacting of the Pendleton Act of 1883, the country faced government ethics scandals engendered by the inability of government institutions to prevent the corruption of public officials. The post-Civil War from 1868 – presidential election of Ulysses S. Grant till 1870 witnessed incomparable scope of public corruption at the federal, state, and local level. Although reforming of public institutions turned out to be unsuccessful, a small group of reformers believed in reestablishment of honesty to government.

From the 1883 enacting of the Pendleton Act, which introduced a new federal excellence system through the Progressive movement (1900-1920), the nation witnessed a modification in government ethics. At the federal level, political parties time by time lost their controlling influence on government posts with passing of laws implied to shield federal employees from being pressed to render assistance, or to take part in partisan political undertaking.

The Progressive Era also facilitated the passing of the first campaign fiscal regulations banning corporate campaign donations to candidates for federal office and demanding restricted campaign money management disclosure.

Compared with the war recuperation period of the 1870s, the 1920s identified a reasonable decline in public service ethics as represented by the Teapot Dome wrongdoing which witnessed Secretary of the Interior Albert Fall agreed to receive hundreds of thousands of dollars in reward for giving the right to drive oil for naval oil reserves found at Teapot Dome, Wyoming, and Elk Hills, California.

The stock market crash of 1929, followed by the Great Depression, and World War II assisted to shut down the immoderation of the 1920s. The hopefulness of Franklin Roosevelt's New Deal and the Second World War struggle against Nazi Germany and Imperial Japan increased public apprehension concerning the potential of government to expertly deal

with the most demanding problems that a nation might confront, while trying to achieve victorious principles.

Eventually, by the early 1960s, a set of ethics disputes engaging members of the Truman and Eisenhower administrations advanced to an agreement that to preserve public trust in the fairness and justice of government decision making, government institutions had to acquire more solid public ethics constraint, particularly as the power, responsibility and scope of government rose. Through the 1960s, Congress and President John Kennedy and Lyndon Johnson prosperously compressed executive branch ethic rules. In 1971 Congress passed the Federal Election Campaign Act in an attempt to monitor the soaring cost of running for federal office in the mass media epoch.

In 1974, August 9, President Nixon resigned as a consequence of Watergate Scandal. This was a new age of reform. In 1974 Congress passed important changes to the Federal Election Campaign Act and in 1978 Congress enacted the Ethics in Government Act. From 1979 through June 1999, twenty outstanding prosecutors and independent councils directed investigations of purported criminal behavior by high-level executive branch officials. And during the post-Watergate time, Congress went on fighting with exploring a way to lessen the increasing impact of money and special interest lobbying.

Conclusion

According the viewpoints of scholars the focal point is Doing ethics rather than explore the history of ethics. Although this does not mean that one should not study historical evolvement and interesting achievements of ethicists. It's evident that more attention should be given to exercising ethical postulates to particular cases, or ethical analysis, which develops critical thinking skills in philosophy, the social sciences, and the humanities. Why do we need ethics if we exercise laws? Because law is not possible without ethics. The

single way for a law to be passed or abolished means for one or more people to adjudicate on right and wrong.

That has always been the case, whether the legislator was the chief of a gang or tribe, a queen or a king, or congressman.

References

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