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Reinventing Ethics

By HOWARD GARDNER

What's good and what's bad? There are plenty of reasons to believe that human nature changes slowly, if at all - all's still fair in love and war. For millennia, religious believers have attributed our nature to God's image, as well as to God's plan. In recent years, evolutionary psychologists peered directly at our forerunners on the savannahs of East Africa; if human beings change, we do so gradually over thousands of years. Given little or nothing new in the human firmament, traditional morality - the "goods" and "bads" as outlined in the Ten Commandments or the Golden Rule - should suffice.

My view of the matter is quite different. As I see it, human beings and citizens in complex, modern democratic societies regularly confront situations in which traditional morality provides little if any guidance. Moreover, tenable views of "good" and "bad" that arose in the last few centuries are being radically challenged, most notably by the societal shifts spurred by digital media. If we are to have actions and solutions adequate to our era, we will need to create and experiment with fresh approaches to identifying the right course of action.

Let's start with the Ten Commandments. We are enjoined to honor our parents, and to avoid murder, theft, adultery and dishonesty. Or consider the Golden Rule: "Do onto others. " A moment's reflection reveals that these commandments concern how we treat those nearby - we might say those 150 persons who, according to anthropologist Robin Dunbar, each of us has evolved to be able to know well. For most of history, and all of pre-history, our morality has been extended to our geographical neighbors - anyone else falls outside the framework of *neighborly morality.*

This characterization is largely true until we reach the modern era - the last few centuries, particularly in the West. The one dramatic exception is the brief period of the Greek city-state. Citizens of Athens pledged to work for the improvement and glory of the entire society. And in extending the gamut of responsibility, the Hippocratic oath of the Periclean era enjoined physicians to extend aid and avoid mistreatment of any person in need of medical attention. As explained a century ago by the German sociologist Max Weber, professionals were no longer simply humans relating to their neighbors. Rather, the doctor, the lawyer, the architect, the educator had taken on more specified and finely articulated roles, with characteristic rights and responsibilities. Now, the *morality* that we direct to those living in the neighborhood and the *ethics* that a responsible professional should direct

to all who come within his or her ambit, whether friend, foe, or someone from outside one's customary circle, are two quite different matters.

It would be hyperbolic to maintain that "the ethics of roles" disappeared for almost two millennia. Yet this wider sense of responsibility was much less evident after classical times, when almost everyone was a peasant, guilds kept their practices secret and emerging states were hierarchical and authoritarian. Only as these trends were gradually overturned in the West in the last few centuries, did the role of the responsible professional re-emerge. The rise of the Fabians in England, of the progressives in the United States or of the elite professional classes in Bismarckian and Weimar Germany, to take some familiar examples, established a cohort of individuals who were given status and a comfortable livelihood in return for the license to render complex judgments and decisions in a disinterested manner. According to the historian Kenneth Lynn, writing in the early 1960s, "Everywhere in American life, the professions are triumphant."

But even as Lynn wrote, the hegemony of the professions was breaking down. It was not only the witty George Bernard Shaw who believed that "professions are a conspiracy against the laity." Many saw the professions as the province of the privileged - chiefly white, primarily Anglo- Saxon in lineage, largely male. Most of us today deem the democratization - or demoticization - of the professions as a healthy development. Yet, I maintain that this trend had its costs. Specifically, the very notion of professions serving the wider community has broken down, to be replaced by a growing consensus that professions are by their nature destined to serve parochial interests.

When Anthony Kronman, a professor and former dean of Yale School of Law, wrote nostalgically in 1995 about "the lost lawyer," he has in mind the "found lawyer" who is no longer concerned with the health of the community but only with the wealth of his employers, generally large corporations. And the same waning of disinterestedness can be seen in the once-solo practitioner physician ("Marcus Welby") who is now "managed" by the business school graduates of the health maintenance organization; the once "Mr. Smith goes to Washington" politician now under the thumbs of the most wealthy donors; the once selfless " Mr. Chips" who serves his own careerist interests rather than those of the discipline, the college or the students.

Why should this matter? If my argument is correct, the professional deals every day with issues that cannot possibly be decided simply by consulting the Bible or some other traditional moral code. At which point should the journalist protect an anonymous source? Should a lawyer continue to defend a client whom she believes to be lying? Ought a medical scientist take research support when the funds come from a convicted felon or when subjects cannot give informed consent? Alas, traditional texts don't provide reliable answers to these questions - they don't even raise them. And yet, if professions are to disappear, should we simply answer these vexed questions by flipping a coin or by majority vote?

Perhaps the gradual undermining of the professions was inevitable, but it has certainly been

accelerated by the emergence and increasing prevalence of the digital media. At the fingertips of anyone with a digital device, one can now learn the good, the bad, and the ugly of just about any professional practitioner - without the means of determining the legitimacy of these characterizations. Moreover, one can instantly access all forms of real and faux expertise on issues ranging from the treatment of disease to the preparation of term papers to the drawing up of a will or a trust fund. Tomorrow, if not today, one will be able to gain accreditation or diplomas for the thousand-plus careers that now style themselves as "professions." And shouldn't we honor these sheepskins, particularly if we cannot reliably distinguish on the basis of a score on a bar exam between those who went for three years to Yale Law School and those who enrolled in Dr. Khan's free online course in legal thinking and practice?

These forces of democratization and digitalization will not go away. Ethical dilemmas are no longer going to be decided solely by those who wear certain clothing and who have a certain professional pedigree. How then should we go about deciding which of the alternative courses of action is the right one, or at least the one that is more ethical?

My solution involves the recasting of venerable institutions into forms appropriate for the contemporary era. In ancient Greece and Rome, citizens gathered in the central square, or agora, to discuss complex issues. Much the same occurred centuries later in the fabled town hall meetings of New England. A congruent "mentality" characterized the physical "commons" in which members of a community grazed their animals. Unless each member respected the need to limit grazing time, the pasture land would not be arable.

I call on members of a professional community to create common spaces in which they can reflect on ethical conundra of our era. For the first time in human history, it is not essential that participants occupy the same physical space. Virtual common spaces can allow all who have interest and knowledge in the area to weigh in - whether the topic is the protection of sources by journalists, the determination of which intellectual property can legitimately be downloaded and which not, whether studies of the creation of a deadly new strain of virus should be published. Indeed, in the last decade, in professions ranging from journalism and law to medicine and science, such spaces have been created and, in some case, have been ably curated.

Still, by themselves "virtual agoras" are limited; they can be hijacked, trivialized, or ignored. And so I recommend the reinvigoration of the role of "trustees" - individuals afforded the privilege of maintaining the standards of an institution or profession. Traditionally, trustees were drawn from the rank of wise seniors, and such persons can offer both time and experience. But particularly in a fast changing world, trustees should reflect the range of ages and experiences. And so, as an example, young journalists should be asked to choose as trustees both peers and veterans whom they admire; and veteran journalists should nominate both peers and younger colleagues who embody the best of the profession. These trustees should have vested in them a spectrum of powers, ranging from an identification of

best practices to the institution of rules governing admission to or expulsion from the profession.

Clearly, in an era marked by fast change, the creation of attractive agoras and of respected trustees will not be easy. Nor will the relation between these spaces and these persons be straightforward. Yet, given the importance of establishing ethical practices in our time, we need starting points, and these appear to be the most promising. I'm fully confident that good trustees and well-curated agoras can improve on my recommendations!

The problem with a belief in the immutability of morality is the same as the problem with a belief that the American Constitution contains the answers to all legal disputes. Like the Ten Commandments (or the code of Hammurabi or the Analects of Confucius), the Constitution is a remarkable document for its time. But it's absurd to believe that the text magically contains the answers to complex modern issues: the definition of what it means to be alive, or how the commerce clause or the right to bear arms amendment should be interpreted; or whether a corporation is a person. By the same token, while we can draw inspiration from the classical texts and teachings of neighborly morality, we cannot expect that dilemmas of professional life will be settled by recourse to these sources. But we need not tackle these alone. If we can draw on wise people across the age spectrum, and enable virtual as well as face-to-face discussion, we are most likely to arrive at an ethical landscape adequate for our time.

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