

# 8a

## How common morality relates to business and the professions

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### Common morality

I am aware that many people believe there is no substantial agreement on moral matters. I am also aware that there is even less agreement on the adequacy of any account of morality. I believe that these views are due to the understandable, but mistaken, concentration on controversial moral issues concerning the environment, especially the treatment of animals, and such issues as abortion and euthanasia. Some people, particularly philosophers, do not realize that such controversial matters form only a very small part of those matters on which people make moral decisions and judgments. Indeed, most moral matters are so uncontroversial that people do not even make any conscious decision concerning them. The uncontroversial nature of these matters is shown by everyone's lack of hesitancy in making negative moral judgments about those who harm others simply because they do not like them. It is shown by the same lack of hesitancy in making moral judgments condemning unjustified deception, breaking of promises, cheating, disobeying the law and not doing one's duty.

An explicit, precise and comprehensive account of morality should help to make clear the uncontroversial nature of most moral decisions and judgments, whether personal, professional or business. Such an account should also help in understanding some of the controversial moral problems that arise in the practice of business and the professions such as engineering, law, medicine and science. Common morality provides a framework on which all of the disputing parties can agree, making clear what is responsible for the disagreements and what might be done to manage that disagreement. An account of common morality is an account of the moral system that is already implicitly used by people when dealing with everyday moral problems. Nothing new is being proposed and there should be nothing surprising in the account that is presented. The point of providing an explicit account of the moral system is to enable it to be used by people when they are confronted with new, difficult or controversial moral decisions<sup>1</sup>.

Those who deny the possibility of an explicit, precise and comprehensive account of morality may actually be denying that any systematic account of morality provides a unique answer to every moral problem. It is, in fact, true that the common moral system does not provide a unique solution to every moral problem. Not every moral problem will have a single best solution, that is, one that all equally informed impartial rational persons would prefer to every other solution. In the overwhelming numbers of instances, common morality does provide a unique answer, however most of these cases are not interesting. Only in very few situations does an explicit account

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of morality settle what initially seemed to be a controversial matter, e.g., whether there was a moral difference between a rational refusal of food and fluids by a competent terminally ill patient and that patient's refusal of medical treatment. However, even in the more usual situation where controversial cases do not have a unique answer, common morality is still often quite useful. It places significant limits on legitimate moral disagreement, i.e., it always provides a method for distinguishing between morally acceptable answers and morally unacceptable answers and provides the basis for a fruitful and respectful discussion of the issue. It promotes moral tolerance and makes clear that attempts to reach a consensus do not require compromising one's moral integrity.

The fact that legitimate moral disagreement on some issues is compatible with complete agreement on many other issues seems to be almost universally overlooked. Many philosophers seem to hold that if equally informed impartial rational persons can disagree on some moral matters, they can disagree on all of them. Thus many philosophers hold either that there is no unique right answer to any moral question or that there is a unique right answer to every moral question. The unexciting, but correct, view is that although most moral questions have unique right answers, some do not. Although moral agreement is far more common than moral disagreement, since moral disagreement is far more interesting to discuss and hence discussed far more often, people wrongly conclude that moral disagreement is more common than moral agreement.

### **Morality as an Informal Public System**

The existence of a common morality is shown by the widespread agreement on most moral matters. Everyone agrees that such actions as killing, causing pain or disability and depriving of freedom or pleasure are immoral unless one has an adequate justification for doing them. Similarly, everyone agrees that deceiving, breaking a promise, cheating, breaking the law and neglecting one's duties also need justification in order not to be immoral. No one has any real doubts about these claims. People do disagree about the scope of morality, e.g., whether embryos, fetuses and non-human animals are impartially protected, or protected at all, by morality, however everyone agrees that actual moral agents, i.e., those whose actions are themselves subject to moral judgment, are impartially protected. Doubt about whether killing an animal or an embryos needs to be justified, does not lead to any doubt that killing a moral agent needs justification. Similarly, people disagree about what counts as an adequate moral justification for some particular act of killing or deceiving and on some features of an adequate justification, but everyone agrees that what counts as an adequate justification for one person must be an adequate justification for anyone else in the same situation, i.e., when all of the morally relevant features of the two situations are the same. This is what is meant by saying that the moral rules must be obeyed impartially.

Morality is a public system, and like all public systems it has the following two characteristics. (1) All persons to whom it applies, i.e., those whose behaviour is to be guided and judged by that system, understand it, i.e., know what kinds of behaviour the system prohibits, requires, discourages, encourages and allows. (2) It is not irrational for any of these persons to accept being guided and judged by that system. The clearest example of a public system is a game such as football. This game has an inherent goal and a set of rules that form a system that is understood by all of the players; and it is not irrational for all players to use the goal and the rules of the game

to guide their own behaviour and to judge the behaviour of other players by them. Although a game is a public system, it applies only to those playing the game. Morality is a public system that applies to all moral agents; all people are subject to morality simply by virtue of being rational persons who are responsible for their actions. This may explain Kant's claim that the demands of morality are categorical, not hypothetical.

One of the tasks of a moral theory is to explain why sometimes, even when there is complete agreement on the facts, genuine moral disagreement cannot be eliminated, but the theory must also explain why all moral disagreement has legitimate limits. It is very easy, as noted above, to overlook that unresolvable moral disagreement on some important issues, e.g., abortion, is compatible with total agreement in the overwhelming number of situations in which moral decisions are made, or the overwhelming number of cases on which moral judgments are made. This agreement is based on agreement about the nature of morality, that it is a public system with the goal of reducing the amount of harm suffered by those protected by it. Everyone agrees that morality prohibits some kinds of actions (e.g., killing and breaking promises) and encourages certain kinds of actions (e.g., preventing the suffering of pain). But it is acknowledged that it is sometimes morally justified to do a prohibited kind of action even when it does not conflict with another prohibition, but rather when it conflicts with what is morally encouraged. Breaking a trivial promise in order to aid an injured person is regarded by all as morally acceptable.

In addition to the disagreement about who is in the group impartially protected by morality, another important source of irresolvable disagreement in moral decisions and judgments is due to differences in the rankings of harms, including differences in how one ranks different probabilities of harms. Disagreements about the proper speed limit is a disagreement about whether the certain deprivation of some small freedom to millions, viz., the freedom to drive between 100 kilometres an hour and 130 kilometres an hour, is justified by the probability that there will be fewer people killed and injured in automobile accidents. Indeed, many political disagreements are about this kind of difference in rankings. They can be regarded as a conflict between the rankings of freedom and welfare, e.g., how strict the regulations concerning building construction or pollution should be. Even the disagreement about the scope of morality can be seen as a conflict between freedom, the freedom of moral agents to treat non-moral agents as they want, and welfare, the welfare of these non-moral agents, e.g., non-human animals. The presence of these kinds of irresolvable moral disagreements must be reflected in an adequate account of morality.

Morality, like all informal public systems, presupposes overwhelming agreement on most matters that are likely to arise. However, unlike formal public systems, it has no established procedures or authorities that can resolve every moral disagreement. There is no equivalent in morality to the referees or umpires in professional sports. When there is no unique right answer within morality and a decision has to be made, the decision is often made in an *ad hoc* fashion, e.g., people may ask a friend for advice. If the moral disagreement is on some important social issue, e.g., abortion, the problem is dealt with by the political or legal system. Since abortion and the treatment of animals are irresolvable moral questions, and it is necessary that the society have some rules about these matters, the question is transferred to the legal and political system. They resolve the questions on a practical level, but they do not resolve the moral questions, as is shown by the continuing intense moral debate on these matters.

Failure to appreciate that morality is an informal public system has caused considerable confusion when talking about public policies, not only with regard to

abortion and the treatment of animals, but also in many other areas, such as pollution control. It is assumed that if morality does not directly provide a solution to the problem, it can always provide an indirect solution by means of an appropriate voting procedure. It is sometime mistakenly said that a just solution, which must be a morally acceptable solution, is one that is arrived at by a democratic voting procedure. The justness or moral acceptability of a solution to a problem cannot be determined by any voting procedure, for a majority can vote to deprive members of a minority group unjustifiably of some freedom. The moral acceptability of a solution is determined by the moral system; but a democratic voting procedure does provide a morally acceptable way of choosing between morally acceptable alternatives. This democratic voting procedure may be the morally best way to determine which morally acceptable alternative will be adopted, but it does not make that solution either morally acceptable or the morally best solution.

Common morality, which is the moral system that all thoughtful people use, though usually not consciously, presupposes that people are vulnerable and fallible. Its goal is to lessen the amount of harm suffered by those protected by it. These harms: death, pain, disability, loss of freedom and loss of pleasure, are ranked differently by different people, but everyone regards all them as harms, i.e., as things that all rational persons would avoid unless they had an adequate reason not to. Although all competent persons must know the language of their society, that is, how to use it in understanding what others are saying and in making themselves understood by others, they need not be able to articulate the rules they are following. Similarly, although all moral agents must know the kinds of actions that morality prohibits, requires, discourages, encourages and allows, they need not be able to articulate the rules they are following.

### **The moral system**

Common morality recognizes both the vulnerability and the fallibility of people. It includes (1) rules prohibiting acting, or attempting to act, in ways that cause, or significantly increase the probability of causing, any of the five harms that all rational persons want to avoid, and (2) ideals encouraging the prevention of any of these harms. It also includes (3) a two-step procedure for deciding when it is justified to violate a moral rule. This procedure reduces the likelihood of making mistaken decisions and judgments due to failure to consider all the relevant facts and the biases toward self and friends that most people have. The first step of this procedure requires describing the violation solely by means of its morally relevant features; the second step requires estimating the consequences of everyone knowing that such a violation is allowed and consequences of everyone knowing that it is not allowed.

It is useful to provide an explicit, precise and comprehensive account of the justified moral system that is common morality. It is not useful, but dangerous, to provide a system that can be applied mechanically to arrive at the correct solution to a moral problem; not all moral problems have unique correct solutions. Common morality only provides a framework for dealing with moral problems in a way that is acceptable to all moral agents insofar as they are informed, impartial and rational. This justified moral system does not provide a unique right answer to every moral question. All impartial rational persons accept common morality as a public system that applies to all moral agents, but it does not eliminate all moral disagreement. In what follows I shall attempt to make explicit the details of the common moral system. I do not think that anyone will find anything surprising in this explication.

## The moral rules

The first five moral rules prohibit directly causing the five harms that all rational persons would avoid unless they had an adequate reason not to avoid them.

Do not kill. (Includes prohibition on causing permanent loss of consciousness)

Do not cause pain. (Includes prohibition on causing mental pain, e.g., anxiety)

Do not disable. (Or, do not cause loss of physical, mental or volitional abilities)

Do not deprive of freedom. (Includes freedom from being acted upon as well as depriving of resources and opportunity to act)

Do not deprive of pleasure. (Includes depriving of sources of pleasure)

The second five moral rules include those rules which, when not followed, in particular cases usually, but not always, cause harm and which always result in harm being suffered when they are not generally followed.

Do not deceive. (Includes more than lying)

Keep your promises. (Equivalent to Do not break your promise)

Do not cheat. (Paradigm involves violating rules of a game)

Obey the law. (Equivalent to Do not break the law)

Do your duty. (Equivalent to Do not neglect your duty)

The term 'duty' is being used in its everyday sense to refer to what is required by one's role in society, primarily one's job, not as philosophers customarily use it, which is to say, simply as a synonym for "what one morally ought to do". Using the term 'duty' in its ordinary sense allows for a clear discussion of the relationship between the common moral system and professional ethics and business ethics. A proper understanding of this relationship requires getting clear about the duties of professionals.

## The moral ideals

The moral ideals include such precepts as "Prevent (postpone) death", "Prevent pain", "Relieve pain", "Prevent disabilities", "Prevent the loss of freedom". Whereas the moral rules provide limits to what any person is allowed to do regardless of his aims or goals, the moral ideals set forth aims or goals that all persons are encouraged to adopt. Whereas it is possible to obey the moral rules all of the time impartially with regard to everyone, it is impossible to act on the moral ideals either all of the time or impartially with regard to everyone. I can be obeying the moral rules, that is, not violating them, even when I am sleeping, but I cannot be following the moral ideals when I am sleeping. The moral rules are all stated as prohibitions, or can, without any change in meaning, be stated as prohibitions. That is why I cannot only obey them all of the time, I can also obey them impartially with regard to everyone. If I obey the rule, "Do not kill" I am obeying with regard to everyone, even people I do not even know anything about. The moral ideals set forward positive goals, so that in following them I always follow them with regard to particular persons or kinds of persons. It is not possible to prevent or relieve pain for everyone.

This difference between the moral rules and the moral ideals explains why it is appropriate to enforce obedience to the moral rules. We can make a person liable to punishment for all serious unjustified violations of a moral rule because no one is ever supposed to violate any moral rule unjustifiably. It makes no sense to make a person liable to punishment for failing to follow a moral ideal, for then all of us would almost always be liable to punishment. As long as they are not breaking any moral rule, everyone is encouraged to follow the moral ideals toward any group of persons that

they want, as often as they want. A person who does not follow any moral ideals at any time, is not a morally good person, but he need not be an immoral person. It is a serious mistake to think of morality as consisting solely of prohibitions and requirements. The moral ideals, the following of which is encouraged, not required, are such a significant part of morality, that they can sometimes justify violating a moral rule.

### **Justifying violations of the moral rules**

The major value of simple slogans like the Golden Rule, “Do unto others as you would have them do unto you” and Kant’s Categorical Imperative, “Act only on that maxim that you could will to be a universal law” are as devices to persuade people to act impartially when they are contemplating violating a moral rule. However, given that these slogans are often misleading, a better way to achieve impartiality is to consider whether it is rational to favour that violation even if everyone knows that this kind of violation (or a violation in these circumstances) is allowed. An impartial rational person would not favour everyone knowing that a kind of act is allowed if the consequences of everyone knowing that this kind of act being allowed would have worse consequences than everyone knowing that this kind of act is not allowed. Only this willingness that everyone know that this kind of violation is allowed, what I call publicly allowing the violation, shows that one is not making special exceptions for oneself. A willingness to publicly allow the violation is necessary for impartiality; if a person violates a moral rule when he would not publicly allow that kind of violation, he is acting arrogantly.

What counts as the same kind of violation, or the same circumstances, is determined by the morally relevant features of the situation. Two violations count as the same kind of violation or a violation in the same circumstances if all of the following questions have the same answers: The answers to these questions are the morally relevant features of the act.

1. Which moral rule is being violated?
2. Which harms are being caused, avoided (not caused), and prevented?
3. What are the relevant beliefs and desires of the person harmed?
4. Does one of the parties have special duties toward the other?
5. Which goods are being gained?
6. Is a violation of a moral rule being prevented?
7. Is a violation of a moral rule being punished?
8. Are there alternative actions that are morally better?
9. Is the action being done intentionally, or only knowingly?
10. Is the situation an emergency?

Once the correct description of the kind of violation or the circumstances of the violation is provided, then it is necessary to estimate the consequences of that kind of violation being publicly allowed and of it not being publicly allowed. If a person favours this kind of violation when a friend does it to a stranger, he must also favour this kind of violation when a stranger does it to a friend. A person who favours one violation must favour all violations of the same kind. But two different people may agree about the kind of violation in question, but still disagree about whether they favour that kind of violation. They can also sometimes disagree about whether there is even a violation of a moral rule, that is, they can disagree about the interpretation of a

moral rule. This disagreement, like the disagreement about whether to favour a violation of a moral rule, can sometimes be settled by estimating the consequences of publicly adopting different interpretations. If everyone agrees that the consequences of adopting one interpretation is better than adopting any other, then that is the interpretation that should be adopted. However, sometimes not all informed impartial rational persons will agree and then the difference in interpretation cannot be resolved. Unresolvable disagreements among impartial rational persons arise because of:

- a) different views about the scope of morality, e.g., whether it provides impartial protection, some protection, or no protection to nonhuman animals or to foetuses;
- b) different rankings of the harms and benefits involved;
- c) different ideologies, such as different unverifiable beliefs about human nature and society, i.e., different beliefs about how people would behave if they knew that a certain kind of act were allowed;
- d) different interpretations of a moral rule, e.g., whether the act counts as deceiving or killing. (As noted above, this difference is based on the three previous differences.)

### **Relations between common morality, the duties of professionals and the duties of those of business**

Professional ethics is not distinct from common morality. It does not provide exemptions from common morality, rather, a profession takes on certain duties that are not duties for those not in that profession. However, all of these duties must be compatible with the framework provided by common morality. No profession can have a duty to do what all informed, impartial, rational persons would consider morally unacceptable. Nor can any business impose duties on its employees that would be considered morally unacceptable by all informed, impartial, rational persons. A job cannot impose duties that are morally unacceptable. A driver of a getaway car does not have a duty to help bank robbers escape after a bank robbery, even if he has been paid to do so. An employee of an advertising company does not have a duty to help compose an advertisement that will entice young people into smoking or taking any other addictive drug. Scientists who are employed by a cigarette company do not have a duty to help make that product more addictive.

In this context, it is important that the term 'duty' not be interpreted as philosophers normally interpret it, namely as a synonym for 'what one is morally required to do'. Duties arise from a social role or some special circumstances. Judges, parents, teachers, doctors and nurses have duties that arise from their jobs and professions. People do not have a duty not to kill although they are morally required not to kill unless they have an adequate justification for doing so. The same is true of all of the first nine moral rules, we do not have a duty to obey them, but we are morally required to obey them unless we have an adequate justification for not doing so. Unless the term 'duty' is restricted to the moral requirement imposed by a person's social role, it will be impossible to provide a clear account of the relationship between common morality and professional duties and the duties of those in business<sup>2</sup>.

To claim that no one can have a duty to do what is morally unacceptable is not to deny that having a duty to do something may make what would otherwise be morally unacceptable into an action that is morally acceptable. It is normally morally unacceptable for one person to kill another person, or deprive him of his freedom, when doing so is not necessary to prevent his causing an even greater harm. But if the

person is an employee of the government, then he may have a duty to kill or deprive of freedom someone who has committed and been legally found guilty of a crime for which death or deprivation of freedom is the prescribed penalty. Some might claim that any killing that is not necessary to prevent more killing, e.g., killing in self-defence, is never morally acceptable, and so no one can have a duty to kill a person as a legal punishment. This is a plausible view, but it is a controversial one, and some people defend the justifiability of the death penalty. When it is not clear that an action is morally unacceptable, a person can still have a duty to do it. Further, everyone agrees that a person can have a duty to deprive someone of his freedom even when that is not necessary to prevent his causing greater harm. Some system of punishment involving deprivation of freedom is accepted by all, so it is accepted by all that a person can have a duty to deprive people of their freedom, without even considering whether that particular act of freedom deprivation is necessary to prevent greater harm.

### **Duties related to employment**

Scientists normally have duties that are related to their employment. It is not clear that scientists qua scientists have any duties. If a scientist is not employed by a private or public employer but is simply doing science for his own enjoyment, he has no duties specifically related to his profession as a scientist. However, if he works at a university, or some other non-profit research organization or some business, he may have duties that require him to conduct his research in certain areas, to publish that research in reputable journals, and perhaps to aid in the application of his research to practical problems. He is, of course, morally required not to misrepresent his research findings, but that is also true of the scientist who is working on his own. The prohibition not to misrepresent one's research is not some special duty related to scientists, but simply an application of the general moral requirement not to deceive. The interesting question is whether scientists who are employed by a firm or organization may have a duty not to reveal their research findings to people outside of the firm or organization for which they work. Normally, there is no moral requirement for a scientist to report his research, so if it is part of the job description for a scientist not to disclose his research results without the approval of the company, he may have a duty not to reveal his research findings. However, in special cases there may be a moral requirement to report. If the firm has published data, e.g., about a drug or about the effect of some project on the environment, which the scientist has discovered are false, the scientist may have a duty to report his findings. Similarly, if a drug company hires a scientist to do research on a drug that they are selling or plan to sell, and the scientist finds out that the drug is either not as effective as other drugs that are cheaper and as easily available, or that it has serious harmful side effects, that scientist may be morally required to report his findings to some outside party, even if the company has imposed a job requirement not to report.

How can it be that, if an independent researcher has no moral requirement to report any of his findings, someone who supposedly has a job requirement not to reveal, may have a duty to report his findings? Ironically, it may be because he is part of a company that is deceiving the public, that he is morally required to report. Not reporting false data within the scientist's area of special research may be taken as his being part of a conspiracy to deceive. Scientists at the various tobacco companies who had discovered the facts, may have acted immorally when they did not report their findings that cigarettes were both addictive and causing cancer. However, if they had a moral requirement to report, it was not because scientists qua scientists have a duty

to report all findings that might be helpful to the general public, but because they worked for a company that was deceiving the public and not to report was to be a party to that deception.

There may be organizations of scientists, as there are of engineers, in which those who are practicing scientists of one kind or another, e.g., biologists, chemists, geologists etc., take on special duties simply in virtue of becoming that kind of scientist. However, I do not know what special duties these could be except in relationship to employment. Once employed, scientists may have the standard duties that employees have, plus other that are related to their special expertise. There may be duties not to participate in any fraudulent activities by the company, but these duties are otiose, since everyone is morally required not to participate in fraudulent activities. What may make it not entirely redundant to have such a duty is that the duty may require reporting to outside authorities that the company is putting out data that, on the basis of his own research, the scientist knows to be false. This duty to report does not come into play until after the scientist has informed the company of this research and given them the opportunity to correct their previous false claims. It is only when the company persists in putting out the false information that the scientist has a duty to disclose his research to those outside the company.

Everyone is morally required not to deceive, but that is not the same as being morally required to tell the truth. Between lying and telling the truth, is staying silent. Doctors not only are morally required not to lie to their patients, they have a duty to provide information to their patients about their diagnoses and prognoses. To withhold that information counts as deceiving. That is what having a duty to disclose does, it adds to the moral requirement of not lying, the moral requirement not to remain silent, that is, not to withhold information that the patient is entitled to have. Of course, sometimes deception, lying or withholding information is justified. If the consequences of telling the truth are serious enough, i.e. the patient is at a serious risk of committing suicide, a doctor may be justified in withholding and, if necessary, even lying. But absent, these serious consequences, a doctor is not only morally required not to lie, he is also morally required not to withhold.

Similarly, scientists, like everyone else, are morally required not to deceive, but they are not normally required to tell all that they know on the basis of their scientific research. Scientists are normally allowed to remain silent. However, it is quite plausible to maintain that they cannot remain silent when the organization that they are working for is putting out as information, what they know to be false. It may be that scientists have a duty not to allow deception by the organization for which they work, at least with regard to information that they have in their capacity as a scientific researcher. This would mean, paradoxically, that scientists are morally required to report on misinformation put out by their own companies or organizations, but not morally required to report on misinformation put out by other companies or organizations.

What I have said about scientists may also apply to accountants and lawyers who are employed by a company. They cannot remain silent if the company is doing something that is contrary to the standards that their profession is committed to and with regard to which they have special expertise. Accountants cannot remain silent when companies are reporting their finances in a fraudulent way. Lawyers cannot remain silent when companies are clearly violating the law. What exactly they are required to do, may be determined by the duties that people take on when they enter that profession. But part of being a professional involves having duties that go beyond what people are normally morally required to do. They must not only not break the

moral rules themselves, they have a duty not to allow the organization for which they work to break the rules in an area for which they have a professional responsibility. This is the special added duty that they have, one that is clearly not incompatible with what is morally required of everyone, but rather goes beyond what is morally required for others.

Those in business who are not professionals, have the same moral requirements not to deceive as anyone else, but they do not have the same requirement to expose the deception of the company or organization. If an automobile company advertises their cars in a way that a salesman for that automobile believes to be false, he is not morally required to tell potential customers that the advertisement is false. He should not use the false information himself in order to sell the car, but he is not morally required to correct the customer, or report to some outside source, that he believes the information to be false. The salesman has no special expertise that makes him have a duty not to remain silent when he believes information that the company has put out is false. But, of course, it would be acting on a moral ideal to reveal that the company is putting out false information, that is, it would be morally good to do it. However, the cost to the person may be great enough that he is not prepared to act on this moral ideal to prevent deception. A normal employee who lacks the courage to report immoral activities by his company, is not doing a morally good action, but that is not the same as acting immorally.

Professionals do have a duty not to remain silent when they believe information that is within their area of expertise that the company has put out is false. A professional has a duty to reveal deception by the company or organization when the deception is within his area of expertise. If he does not reveal that deception, he is complicit with it. That is the consequence of his having the duty to reveal the deception. For the professional to reveal that information, does not count as acting on a moral ideal, rather he is obeying the moral rule requiring him to do his duty. It is morally required. A scientist who lacks the courage to report immoral activities by his company, is not simply failing to do a morally good action, he is acting immorally. Indeed, many of the duties of professionals require actions that would count as acting on moral ideals if they were not duties. This reinforces the point that I have been emphasizing, that the duties of professionals are never incompatible with common morality, but rather are additions to it. It is an important point about duties that they can never be incompatible with what is required by common morality.

But duties of professionals are not limited to actions that would be following moral ideals by persons without such duties. A judge has a duty to decide cases that come before her impartially. She is not allowed to shape her decisions in order to benefit friends. Contrary to what is commonly claimed, impartiality is not a moral ideal. It is not better to give impartially to every charity that requests a donation rather than limiting one's donations to one or two charities and give them much larger amounts. Indeed, one can even choose the charities to which one contributes by purely arbitrary means, e.g., a person can give to a charity concerned with heart disease because her father died of a heart attack. Impartiality is required when considering violations of a moral rule, and by certain duties, but not otherwise. As John Stuart Mill says, "Impartiality, however, does not seem to be regarded as a duty in itself, but rather as instrumental to some other duty; for it is admitted that favour and preference are not always censurable, and indeed the cases in which they are condemned are rather the exception than the rule. A person would be more likely to be blamed than applauded for giving his family and friends no superiority in good offices over

strangers, when he could do so without violating any other duty". (Utilitarianism, Chapter 5, paragraph 10.)

It is not merely with regard to deception by his company or organization that a scientist or other professional has a duty to do something. Any time that his company or organization is unjustifiably violating a moral rule when that is within his area of expertise, a professional has a duty to speak out. If his company is polluting a water supply, a geologist working for that company must act to stop that pollution. The same is true of any other kind of pollution, when that pollution is within the scientist's area of expertise. Since the scientist has a duty to do something, failure to act is to be in collusion with the pollution. This is in contrast with a non-professional employee of the company. For such an employee it would be following a moral ideal to do something to stop the pollution, but except in special circumstances, a regular employee of a company does not have a duty to do something about the pollution. He is not in collusion if he fails to do something, even though he is not acting in a morally good way<sup>3</sup>. Of course, the president of the company, or that official who is responsible for the pollution, is acting immorally, but that is because, like everyone, he is morally required not to harm people unjustifiably.

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<sup>1</sup> Gert, B., 1998. *Morality: its nature and justification*. Oxford University Press, New York contains a more extended account of morality, and of the moral theory that justifies it. A shorter account of morality and its justification is contained in *Common Morality*, (forthcoming)

<sup>2</sup> I am ignoring the duties that arise from special circumstances, e.g., being in a unique position to help someone avoid a serious harm without any significant cost to oneself, because these kinds of duties are not relevant to the topic of the relationship between common morality and business and professional ethics

<sup>3</sup> See Hennessey, J.W. and Gert, B., 1985. Moral rules and moral ideals: a useful distinction in business and professional practice. *Journal of Business Ethics*, 4 (2), 105-115. German translation reprinted in *Wirtschaft und Ethik*, ed. by Hans Lenk and Matthias Maring, 1992