The Demise of Ethics

Jeff Malpas – Tasmania

The importance of ethics is acknowledged everywhere in contemporary culture – or so it would seem. More and more attention appears to be given to questions of ethical conduct within both the public and the private domain. Accountancy firms who previously only considered questions of financial propriety now extend their brief to examine a whole raft of issues concerning governance, organisational practice, and "responsible" business. Companies, from banks to petroleum producers proclaim their ethical credentials. Hospitals and universities have committees to regulate ethical conduct in both therapy and research. Everywhere we find codes of ethics and statements of values. Accountability, ethical responsibility and transparency are the watch words of the time, peppering the statements and speeches of politicians and corporate executives alike. Yet in all this flurry of ethical talk – in the midst of this proliferation of ethical processes and procedures, ethical codes and statements – where do we stand in terms of the reality of ethical practice and ethical commitment?

Popular perceptions

If we look first to the popular perception of the matter, then the view is not encouraging. Anecdotally, there is widespread suspicion of the rhetoric of ethics that is so common in public and private organisations. Within many organisations, the most commonly heard complaint from employees at almost all levels, apart from for the most senior, is that the

commitments to ethical practice that are enshrined in company policy are seldom reflected in actual practice – CEOs and others are keen to "talk the talk", as it is often put, but not to "walk the walk". Similarly, among commonwealth and state public servants, there are increasing concerns about political interference and the loss of independence, about rising levels of centralized control, about the increasing inability of state and commonwealth authorities actually to address the real issues that ought to concern them. In the public realm, the now commonplace complaint about the decline in the standards of public debate, the absence of "vision", and the lack of genuine wisdom in many areas of policy seems also to betoken a loss of real commitment and attentiveness to the ideals and values that might underpin political life.

Organisational and social realities

It is not simply a matter of public perception here, however, but also of the realities of organisational structure and institutional practice. In the banking industry, for instance, it is notable that for all the talk of corporate ethical responsibility, there is not a bank in Australia that treats ethics other than as belonging within the purview of its public relations department, while many view ethics as really an issue for government (operating through the regulatory environment) rather than for the banks themselves. The case of the banking industry is reinforced by studies of corporate social responsibility elsewhere. The simple lesson to be drawn from a number of studies is that the much vaunted idea of "responsible business" seldom connects with any deep ethical commitment on the part of corporations (Doane, 2000; Margolis et al, 2007).[1] More significantly, there is also evidence to suggest that, in the corporate world, the rhetoric of ethics may actually enable aspects of corporate operations that are decidedly unethical (eg. Prior, 2008).

If the situation is bleak in the business sector, it is certainly no better in the world of politics or government. The increasing politicisation of public service structures over the last twenty years is indicative of the over-riding desire of many governments for maximal control over the policy process and even over public discussion. Systems of audit and accountability have become mechanisms for ensuring the compliance of almost all public organisations, while codes of ethics are frequently employed as disciplinary tools deployed by management, rather than statements of values to which all, the organisation and its management included, ought to aspire and to which they can be held responsible. The exponential increase in the salaries of our highest paid managers, executives and CEOs – which a recent report argues are heading back to levels not seen since Victorian times[2] – seems increasingly difficult to reconcile with a genuine ethical commitment to equity and justice. We live in societies that are increasingly unequal, in which new forms of poverty, disenfranchisement, and concentration of privilege are on the increase, and in which protest against such inequality and injustice is also on the rise – as the 'Occupy Movement' has so recently demonstrated.

The role of ethics in the demise of ethics

That there is an ethical challenge here – a 'crisis' even – is not an unusual claim. Simon Longstaff, writing in the Foreword to the St James Ethics Centre *Business Ethics Study* of 2009, remarks that:

…there is … a crisis of confidence; in our principal institutions; their legitimacy and their leadership. ……,organisations need to become far more serious about embedding and integrating ethics into the operating fabric of day-to-day decision-making. Performance in this area should be measured and

reported… we may be doing real damage to the integrity of an organisation by structuring remuneration on the assumption that people will only work hard if bribed to do so. Finally, we might note that the energies of vast numbers of people might be harnessed to address global issues of the kind noted…– but only if leaders speak and act clearly, thoughtfully and consistently with regard to the ethical dimension that informs our lives (Longstaff, 2009).

There is much in what Longstaff says with which I am in agreement. But I would want to add something to his account, and suggest that the developments that rightly concern him go much deeper than these comments might lead us to suppose, such that what may be required is actually a more radical repositioning of applied ethics as an approach and as a discipline.

One reason for such a conclusion is that ethics, or the language of ethics, seems itself to be playing a significant role in the developments that are at issue here. It is not uncommon to hear talk of a contemporary 'ethics industry' that has become an integral part of contemporary management and governance structures – an industry largely driven it should be said, by the major audit and accountancy firms, as well as by a variety of governmental agencies and protocols. The need for 'accountability', 'transparency', and 'procedure' has become the all-purpose justification for the implementation and continual expansion of homogenising and bureaucratised systems that seem actually to be directed, whether intentionally or not, at preserving institutional as well as personal privilege and power. One might say this is not an unusual development – one of the ways we justify our practices is by appeal to ethical considerations, and such appeal may well be made even in cases where the practices at issue are actually unethical – except that what is at issue here is not some individual case or even a set of cases, but a much broader feature of our institutions and our culture.[3] Similarly, it is not the mere fact of ethical breakdown that is of primary

concern here. Corruption, deceit, dishonesty, inequality, and injustice are found the world over, and so one might argue that one should expect nothing different in our own case – except that we do expect something different, and we ordinarily assume that one of the factors that makes a difference is our own explicit commitment to ethical reflection and ethical practice.[4] The idea, then, that ethics may be systematically deployed in our own situation to reinforce unethical behaviour, and may even serve to contribute to forms of ethical breakdown, ought to be of serious concern.

There are several factors that are evident in both the particular 'application' of ethics in contemporary political, corporate, and professional culture, and that also appear as key elements in that culture – these factors can thus be seen to constitute manifestations of the tendencies that are at issue here, but they also contribute to those tendencies. The factors at issue could be variously identified, and any such identification will always leave some room for contention, but for the purposes of the present discussion I will characterize them in terms of four very broad ideas: individualism, proceduralism, genericism, and prudentialism. The first of these, individualism, involves an emphasis on the isolated individual as opposed to the individual as always in relation; the second, proceduralism, involves an emphasis on the procedural and the rule-governed as opposed to the adjudicative; the third, genericism, involves an emphasis on the abstract, universal and measurable as opposed to the singular and the concrete; the fourth, prudentialism, involves an emphasis on the prudential and the actuarial, rather than on the ethical as understood in a more substantive sense. My exploration of these factors in the discussion below will begin by looking, in each case, to a philosophical idea or set of ideas that seems actually to run counter to each of these factors, and to the emphases or tendencies that they involve. In this respect, part of what I hope to indicate is the way in which much of contemporary

political, corporate, and professional culture, and the 'ethical' frameworks deployed within it, often stand opposed to important strands in recent and contemporary philosophy, including ethics (although I do not draw upon such approaches explicitly, both virtue ethics and certain forms of moral particularism can be seen as examples of contemporary ethical positions that connect directly with important aspects of the argument that is developed).

It is notable, in fact, that all of the factors that I identify here appear in various forms in the work of recent and contemporary critics of modernity: in the work of Foucault and his analysis of bio-power and subjectification; in Heidegger's analysis of the technological; in Adordo's critique of rationality; in Baumann's analyses of what he calls "liquid life' and the dominance of a culture of consumption. One might say that one strand in my argument here, although one that I have not the space to develop, is that contemporary applied ethics needs actually to engage more directly with these sorts of larger critiques, since it is these critiques that actually provide analyses of the ethical malaise that currently threatens us. This might also be construed as implying a critique of some standard approaches in contemporary ethical theory (contemporary utilitarianism being an obvious target for such a critique). There is certainly an implied critique here, and the factors identified in my discussion can be seen as counterparts to ideas that do play a role, usually in more developed form, in several well-recognised ethical positions. I do not have the space in this brief and highly programmatic presentation, however, to elaborate the argument in this particular direction. Nonetheless, I would hope that, if one accepts even a part of the diagnosis and critique of our contemporary situation that is advanced, one may also be led to ask just how much of contemporary ethical theorizing might indeed be implicated in a more developed version of that critique.

Individualism

In the work of Hannah Arendt, one finds an intriguing analysis of the way in which totalitarian regimes depend crucially on the isolation of individuals from one another (See Arendt, 1951). It is through separating individuals from the social connections in which they are normally embedded, Arendt argues, that they can be more readily controlled – in such a situation, it becomes hard for individuals to maintain even their usual ethical commitments. Broadening Arendt's analysis I would suggest that what it indicates is the way *ethical* life is essentially dependent on *social* life. The reasons for this lie not only in the fact that ethical life, whatever else it may concern, is at the very least about our relations to others, but also in the fact that human life is itself social, and as the ethical belongs to the human, so the ethical is also essentially social. Arendt's analysis of totalitarianism focuses on the way individualisation occurs through fear and disempowerment, but there are equally studies that show how individualisation also occurs through concentration of power – the Stanford prison experiments are such an example, as is Lord Acton's famous assertion concerning the corrupting effects of power.[5] In this respect, totalitarian regimes, exemplified by that which held power in Germany in the 1930s and 1940s, can be taken to exemplify both forms of the individualisation that is at issue here, showing how each entails different forms of ethical breakdown through the separating of the individual from the multiple associations that are part of a fully social and hence also properly ethical human life.

Human beings are social creatures, but if one takes individuals out of their properly social context, and isolates them from that context, whether through fear or through power, then their ethical orientation often fails them. It is not that human beings are essentially self-interested, but that the more one isolates individuals from

their broader engagement and negotiation with others, then the more one foreshortens their ethical view (and this is so quite apart from any considerations of pre-existing personal corruption or evil). This means that individualism, to which we often give a more positive set of connotations, associating it with choice, autonomy and independence, has to be seen as a highly equivocal notion.

The forces that drive individualisation in the contemporary world, while different in kind, and in the mechanisms through which they work, are not necessarily any different in the character of their effects from those that appear in Arendt's analysis of totalitarianism. Individualization involves a separating out of individuals from the larger social context in which they are embedded, so that action and decision comes to depend on a narrow range of considerations focussed on the individual's own situation, interests, and supposed needs. In the contemporary world, the monetarisation of much of our lives – the translation of everything into interests that are given a numerical and financial value – is one of the strongest factors that enables and reinforces individualisation. Monetarization allows the conversion of everything into a single measure that can then be parcelled out in terms of individual benefit and loss. Financial reward, and financial calculation, thus becomes the primary means by which we determine value. Within contemporary 'Western' societies, and increasingly throughout much of the rest of the world, individualisation is a prominent feature – usually in direct connection with an emphasis on the economic and the financial as the primary measure of value – and individualism has become virtually the guiding principle of contemporary life, especially as it is underpinned, not only by a preoccupation with individual financial reward, but also by a culture of commodification and consumption. Nowhere is such individualism more evident than in the impact of digital technology, which brings its own particular individualising effects, giving rise to what I have elsewhere referred to

as “MyWorld” (see Malpas, 2012) – a realm in which individual choice and desire are supposedly paramount, but in which we are nevertheless made subject to new forms of often unrecognised control and coercion.

Not only is individualisation evident in personalised technologies from Facebook to the mobile phone, but also in the structuring of contemporary organisations. Longstaff notes the dangerous effects of assuming that only bribery will make people work hard, and what he seems implicitly to be referring to here is the dominance of what is also known as ‘Agency Theory’ as a key idea in the way most contemporary organisations are structured. Agency Theory sees the relation between an organisation and its employees on the model of the relation between principal and agent, in which the principal must find ways to bring the interest of the agent into line with their own interest through incentives or disincentives (see eg. Rees, 1985). In many organisations this translates into a situation in which the task of management becomes one of bringing the interests of staff into line with those of the organisation through financial reward or punishment (including continuation or discontinuation of employment). Is it any wonder that in such a highly individualized and narrowly focused context notions of ethics go out the window? All the more so when this approach is also connected to the reliance on competition as the best means to enhance performance.

The way in which an approach such as Agency Theory (essentially the application of a narrow form of rational actor theory to the internal relations between organisations and employees) has become so widespread without any concern for its ethical implications is also indicative of the tendency for some much of our thinking to be isolated from any ethical concerns at all – as if all that mattered was the practical effect of what we do (an issue to which I shall return below). The very possibility of ethics requires recognition of the social and environmental context of action, it cannot

operate with respect to isolated individuals alone. Consequently, any system or structure that is understands itself only in terms of the interactions of individuals has already lost much of the capacity for genuine ethical understanding or practice.

Proceduralism

Back in the 1960s and 1970s, many philosophers and cognitive scientists took the view that the best way forward in the understanding of the human brain was to take the brain as essentially a computational device. The idea was that we had only to discover the computational mechanisms that underpinned brain functioning and we would have unlocked many of the apparent mysteries of thinking and human functioning. One of the leading critics of the computational approach was Hubert Dreyfus, whose stance drew heavily on ideas from the work of phenomenologists, notably Heidegger and Merleau-Ponty (see Dreyfus, 1972). Dreyfus argued that the basic assumptions on which GOFAI was based were fundamentally flawed: mental functioning cannot be understood in terms of the linear processing model that was fashionable, but is instead a much more flexible, context dependent process. More recently, within philosophy of language and philosophy of action, a similar critique has developed concerning the inadequacy of rule-based conceptions of action and understanding. Davidson's work on the unintelligibility of the idea of conceptual schemes as templates for understanding and on the inadequacy of any theory based analysis of language competence exemplifies this approach,[6] but similar ideas can be found in the work of many others besides. Davidson's work also parallels ideas developed in the hermeneutics of Hans-Georg Gadamer, especially the Gadamerian emphasis on understanding as conversational.

It is important to note that the arguments to be found here are not directed at rule-based approaches in the understanding of linguistic understanding or mental

processing alone, but at the very idea of rule-based approaches as fundamental to thinking and reflection as such (Gadamer's interest, for instance, is in understanding across all domains). One might have thought that this would mean that narrowly rule-based conceptions would find no favour in contemporary discourse, and to some extent that is true in many areas of contemporary philosophy (which is not to say that there is no such thing as rule-following, but only that rule-following cannot be understood independently of other practices and structures). Yet everywhere in organisational and governmental contexts, we find an increasing emphasis on developing rule-based systems as the means to organise and order human activities. From evidence based decision-making through systems of audit and assurance to the increasingly directive structures that determine employee behaviour, the idea seems to be that what one needs are rules rather than expertise, evidence (narrowly construed) rather than judgment. In management, this has the horrendous consequence that managers increasingly see themselves as managing not people, but generic processes, and so often the very people least capable of genuinely managing (that is, of managing people, and the real work in which they are engaged) are promoted into positions of authority – one explanation for the contemporary dearth of good managers. The emphasis on narrowly rule-based systems has a particularly corrosive effect when it comes to matters of ethics. While some might argue that rules-based practice is basic to ethical practice, I would argue that the weight of ethical thinking, as well as more general considerations about the nature of rules, indicates that ethics is fundamentally about the capacity *to judge*. This is an important point about rule-governed behaviour as such: to follow a rule is also to have the capacity to decide to follow the rule differently or not to follow it at all. The idea of normativity is thus always based in the idea of judgment.[7]

Systems that aim to replace judgment by rules alone thus misunderstand the nature even of the rule. Yet this is what has happened in many contemporary organisations and the way of thinking that takes the rule to be paramount is widespread among policy makers and managers. What we see as a result is the loss of any sense of the reality of ethical life, and its replacement by a misguided faith in the controlling power of the rule, the system, and the process. Allied with the individualism that also dominates, the emphasis on rules gives rise to a dangerous mix: not only are individuals increasingly identified as determined in their actions only by considerations of monetary gain or loss (and as consumers in terms of manipulable desires), but they are also seen as mere subjects of rule-governed mechanisms in which whatever goes wrong no-one is responsible and no one is really to blame. In this situation, not only is ethics reappropriated as mere rule-following, as obedience, but the rhetoric of ethics itself becomes part of the internalised mechanism of control in a way that closely fits what might be thought of as the Foucaultian analysis of the ethical as the means by which the subject is rendered compliant through the internalisation of what are essentially externally imposed rules. Although I think the Foucaultian account deserves close attention, and certainly describes one of the ways in which ethics is used as a means of control, that it does indeed come to be used in this way also involves a certain distortion in the very idea of the ethical – albeit a distortion that is widespread in contemporary society.

Genericism

Aristotle famously argues that ethics is fundamentally a matter of practical wisdom – of *phronesis* (a term that is much abused and misunderstood) (Aristotle, 2000). This is the core of the idea that the ethical is not essentially a matter of rules even though ethics

does involve reason. Significantly this idea is a key element in Gadamerian hermeneutics – as it is in Martin Heidegger's work also (see Malpas, 2010). For both of these latter thinkers, human being in the world – which for all Heidegger's own distrust of the term, is essentially *ethical* in character – is to be understood as a matter of the exercise of a judgment that cannot be given as a rule or a simple direction. Tied to this emphasis on judgment as the basis of ethical life, of lived experience, is also the idea that judgment is required here precisely because of the way in which the ethical and the lived essentially concerns the particular and the concrete – its object is that which is given as *singular*. This point has a quite general import – the real source of value and significance in human lives is not the universal but the concrete. When we judge matters of human significance, not to address the singularity of what is at issue is to fail to address its human character. In this respect, the 'genericisation' that is commonplace in contemporary society and its systems is a form of anti-humanism — a form of de-humanisation (in its simplest and most familiar form it is expressed in the substitution of a number for a name).[8]

Such genericisation is not only de-humanising, however, since in the practical domain it constitutes a form of genuinely misplaced thinking substituting the generic form of that which is the object of concern for the thing itself and often thereby obscuring the thing that is the real of concern. The idea that one can manage organisations or societies by manipulation of general structural features or by reference to economic or financial factors alone are good examples of this sort of genericised mode of operation. The tendency to look to quantified measures of qualitative factors is another. It is commonly said that what gets measured is what ends up mattering, and the conclusion drawn is that we need to be able to measure and report on the things we think matter if indeed they are to be seen as mattering in the wider society. Thus

Longstaff argues for the importance of *measuring* ethical performance. Yet measurement here almost invariably means transforming the qualitative into the quantitative – reducing judgment to the mechanical exercise of a rule (which, along the lines of my argument above, does not involve a rule at all). What happens when what is subject to measure is not amenable to such measurement? In such cases we actually end up measuring and taking as important, not that which is really the original source of interest, but something else entirely. The result is often a significant reshaping of our practice in ways that may well be inconsistent with our original values and commitments – our practice is thus deformed in ways that we may not have intended and may not even recognise.

Much of the history of management over the last fifty years or so, at least its practice more so than its theory, has been about the shift away from any concern with the real indicators of genuine organisational well-being to a set of quantitative surrogates that themselves become the focus for our effort to manage. Nowhere is this clearest than in areas such as health and education where public policy has become a matter of the manipulation of generic figures that often bear little relation to the realities of teaching, research, or the relief of suffering and the promotion of health. Management is thus removed from its real concerns and is itself genricised. One untoward result of this is that managers often lose touch with the real concerns that may lie at the foundations of the organisations they manage, and their primary focus becomes a set of indicators that are everywhere the same. One of the corroding effects of such a shift is also, as can be seen elsewhere, the loss of any substantive values – other than those of the generic and the quantitative – and their replacement by what is little more than self-interest – so the generic reinforces the trend towards

individualisation as it also reinforces and is reinforced by the tendency towards proceduralism.

The shift to the generic is typically accompanied by a loss in the meanings of the terms that otherwise orient our activities. When "excellence" becomes something that is simply determined by a rule or a set of quantitative measures that no longer bear any real relation to that whose excellence is at issue, then excellence itself becomes a notion severed from any real meaning – and often severed from the actual activities of those who undertake the real activities of the organisation, for instance, teachers, nurses, academics. Here is one of the sources of the Orwellian transformation of language that is such a mark of the contemporary world. Moreover, in public institutions in which the focus is seldom on anything so easy to measure as profitability (but in which profitability has often become a surrogate measure simply because it is measurable), the real values and commitments of the organisation is easily lost in the face of such genericisation. By moving to the purely quantitative not only do we lose contact with our genuine concerns, but often we end up tracking features that are only contingently or indirectly related to those concern. Is it any wonder that for many people work, especially what used to be the high value work of public service, of care, of education, of research, has become a source of despair and disillusionment.

Prudentialism

One of the most influential positions within European ethical thought has been that of Emmanuel Levinas. Levinas not only argues for the absolutely fundamental role to be accorded to the ethical, but he also claims that ethics has its foundation in our responsiveness to the demand of the other. Leaving aside some of the details of Levinas' position, I take him to be arguing for a view of ethics as based in our concrete

engagement with others that is not entirely dissimilar to David Hume's emphasis on the foundation of ethics in moral feeling (it is also a position that has important affinities with Knud Løgstrup's account of ethics as based in an original relation of trust – see Løgstrup, 2010). For both thinkers, what is important is not the ethical as some form of calculation of costs and benefits, either individually or universally, but a much more grounded *responsiveness*. This is partly what I also take to underlie the famous Humean claim that one cannot derive prescriptive from purely descriptive judgments – the ethical has to be based in what is already given as ethically relevant (a claim similar, in my view, to the claim made by Donald Davidson that a cause is not *ipso facto* a reason). This seems to me one reason for arguing that ethics cannot be understood as merely, for instance, a matter of prudential calculation.

Yet what characterises much modern ethical thinking as it is instantiated in governmental and policy settings, as well as in organisational contexts generally, is an essentially prudential conception of ethics that does indeed view our ethical situation to be derivable from, and even determined by, our practical circumstances – what is ethically required is thus taken to be identical with what is prudentially necessary (the fact that the prudential considerations at issue may be understood to encompass collective rather than merely individual concerns does not make them any less prudential) . The dominance of broadly 'utilitarian' thinking across a wide range of domains is one indication of this, but it is not the only such indication. Ulrich Beck has argued that, within modernity, ethics is transformed into risk (Beck, 1992). I think Beck is largely correct, except that I would argue that risk, essentially a prudential rather than ethical notion, actually represents the facsimile of ethics in contemporary discourse. When modern organisations talk about ethics what they often mean is risk minimisation or prevention. It is thus no accident that many applied ethicists will argue

for stronger and more robust "integrity systems" on the grounds that such systems reduce an organisation's exposure to risky behaviour on the part of employees (see Powers, XXXX).

The way in which the understanding of ethics as risk has become endemic in contemporary organisations is just one manifestation of this tendency towards prudential understanding of ethics. It is also exemplified by those economists and ethicists who argue for ethical practice on the grounds of its economic or organisational efficacy – the ones who see corporate social responsibility as a viable ideal – ethical business is good business, we are told, as if whether ethics was good business had any relevance to the imperatival force that the ethical surely carries. Similarly those who argue for the need to promote ethical practice by setting up frameworks that show it to be prudentially, usually financially beneficial, run the risk of the same conflation of the ethical with the prudential that actually has the potential to undermine genuinely ethical action as such. The ambiguity that is evident here also explains the tendency for ethical language sometimes to be treated with caution. If prudential considerations are what actually dominate, then not all ethical language will be suitable since often ethical language operates *against* prudentialist concerns. Moreover, in an environment in which many organisations lack any clear sense of what the ethical is, then the use of ethical language can be highly problematic.

Ethics and the Return to the Human

Onora O'Neill summarised some of my themes in her Reith Lectures in 2003. As she says in her own conclusion: "…we need to think less about accountability through micromanagement and central control, and more about good governance; less about transparency and more about limiting deception" (O'Neill, 2002). In O'Neill's discussion,

the focus is on the loss of trust in contemporary society, or, perhaps better, the loss of trust as that is part of our institutional and governmental systems. Those systems have become structures predicated on a generalised distrust, combined with a blind reliance on the industry of audit and accountability.

I would go further than O'Neill: not only do I think that we are witnessing a corrosion of trust, but a corrosion of ethics itself, and it is partly aided and abetted by some of our own activities as applied ethicists. In a culture in which ethical language has been appropriated into a culture of compliance and control, and has become part of the supporting structure of such a culture, then we run the very real risk that our own work will also be appropriated in the same fashion. When we take on a role in the development of new codes of conduct, in undertaking workshops on ethical practice as part of leadership and staff development programmes, in promoting and supporting new committees for ethical oversight and audit, then one of the questions that we must ask concerns the larger framework in which those activities are located. To what extent do they enhance rather than corrode ethical commitment; to what extent do they encourage a questioning of attitudes and behaviour; to what extent do they support genuine ethical reflection and ethical judgment?

There is an urgent need for the applied ethics community to take on a much more strongly critical, even oppositional, character, as a direct consequence of the very concern with ethics as such. Yet the environments in which applied ethicists work are often those in which exactly the factors that I have identified as corrosive of ethics are dominant. What we call 'applied' ethics thus becomes, through its very application, part of the very system of audit and accountability that also plays a role in what I have called the 'demise' of ethics – applied ethicists thus run the real danger of themselves becoming complicit in the promotion of the very behaviour they aim to discourage.

We certainly need to try to do all we can to maintain as open a dialogue as we can here, and this means we need to be able to engage with those who actively promote the systems and modes of organisation of which I have been critical, and yet we have no choice but to retain a critical and questioning stance in relation to those systems and modes of organisation. We need also to be better able to articulate our criticism in terms of the larger frameworks and movements that I have briefly discussed. This is a difficult thing to ask, not least because the very culture that is at issue here is indeed a culture largely geared to control and compliance, that generally does not welcome criticism, and finds it hard to accommodate itself to genuine questioning. One of the challenges is thus to be able to persuade individual organisations, as well as the larger community, of the absolute value of the willingness to question, to open oneself to criticism, and to be tolerant, even encouraging, of dissent. This is, moreover, a political task, as much as it is also an ethical imperative.[9]

The issues I have talked about here are not peripheral to contemporary societies. They are at the very heart of modernity, and this is a large part of why they are so important and so difficult. This means that if applied and professional ethics is to be able adequately to engage as I have argued it must, then it also needs to engage in a much broader cultural critique – one that I would argue cannot remain within the narrow confines of conventional analytic ethics, but must draw on a much broader range of insights and sources. In this respect, I would argue that applied and professional ethics needs to break out of the narrow confines in which it is most often currently located. The critical stance that I am recommending here is one that can be characterised in quite simple terms. Peter Singer famously talks of the expanding circle of ethical concern (Singer, 2011), but often that expanding circle is one in which one easily loses sight of what lies at its centre. Ethical value does not pertain only to the

human, and yet it is only within the space opened up buy the human that ethical value ever appears. What is required is a return to the ethical, but, as Levinas might suggest, this is only possible through a return to the recognition of the human to the human in all its uncertainty and questionability; a return also to the singular and the concrete. A return, though the connection cannot be explicated fully here, that is also a turn back to a recognition of the very situatedness of ethical as well as human life.

Bibliography

Arendt, Hannah (1951). *The Origins of Totalitarianism*. New York: Harcourt, Brace & Co.

Aristotle. (2000). *Nichomachean Ethics* (trans: Roger Crisp) Cambridge: Cambridge University Press.

Baumeister, Roy E., Laura Smart, and Joseph M. Boden (1996). Relation of Threatened Egotism to Violence and Aggression: The Dark Side of High Self-Esteem. *American Psychological Review*, 103, 5-33.

Beck, Ulrich (1992). *Risk Society: Towards a New Modernity* (trans M. Ritter). London: Sage.

Devinney, Timothy M., Pat Auger and Giana M. Eckhardt (2009). *The Myth of the Ethical Consumer*. Cambridge: Cambridge University Press.

Doane, Deborah (2005). The Myth of CSR. The problem with assuming that companies can do well while also doing good is that markets don't really work that way. *Stanford Social Innovation Review*, Fall, 23-29.

Dreyfus, Hubert L. (1972). *What Computers Can't D*o. Cambridge, MA: The MIT Press.

Løgstrup, Knud Eljer (1997). *The Ethical Demand* (trans. Fru Rosemarie Løgstrup). Notre Dame: University of Notre Dame Press.

Longstaff, Simon (2009). Foreword. *2009 Annual Business and Professions Study*, Beaton Consulting & St James Ethics Centre.

Malpas, Jeff (2012). The Place of Mobility: Individualization, Relationality, and Contemporary Technology, in Rowan Wilken and Gerard Goggin (eds), *Mobile Technology and Place*. London: Routledge.

Malpas, Jeff. (2011). What is Common to All: Davidson on Agreement and Understanding. In Jeff Malpas (ed.), *Dialogues with Davidson: Acting, Interpreting,Understanding***.** Cambridge, Mass.: MIT Press, 259-280.

Malpas, Jeff (2010). The Origin of Understanding: Event, Place, Truth. In Jeff Malpas and Santiago Zabala (eds.), *Consequences of Hermeneutics*. Evanston: Northwestern University Press, 261-280.

Margolis, J.D., Elfenbein, H.A., & Walsh, J.P. (2007). Does it pay to be good? A meta-analysis and redirection of research on the relationship between corporate social and financial performance. Paper presented at the Academy of Management , Philadelphia, August.

O'Neill, Onora (2002). *A Question of Trust, The BBC Reith Lectures 2002*. Cambridge: Cambridge University Press, 2002.

Powers, Michael. (2004). *The Risk Management of Everything. Rethinking the Politics of Uncertainty.* London, Demos.

Prior, Diego, Jordi Surroca, Josep A. Tribo. (2008). Are Socially Responsible Managers Really Ethical? Exploring the Relationship between Earnings Management and Corporate Social Responsibility. *Corporate Governance: An International Review*, 16, 160-177.

Rees, R. (1985). The Theory of Principal and Agent, Parts I and II, *Bulletin of Economic Research*, 37, 3-26 & 75-97.

Schwitzgebel, Eric and Joshua Rust. 2009. The Moral Behavior of Ethicists: Peer Opinion. *Mind*, 118: 1043-1059.

Singer, Peter. (2011). *Expanding Circle: Ethics, Evolution, and Moral Progress*. Cambridge, MA: Princeton.

Snowden, Graham. (2011). Pay gap widening to Victorian levels. The Guardian, Monday 16 May. Retrieved December 5 2011 from http://www.guardian.co.uk/business/2011/may/16/high-pay-commission-wage-disparity?INTCMP=SRCH:

[1] Similar scepticism has also been advanced in relation to the idea of the "ethical consumer" – see Devinney *et al,* 2009.

[2] "[T]he top 0.1% of UK earners will see their pay rise from 5% to an estimated 14% of national income by 2030, a level not previously seen in the UK since the start of the 20th century. At present, top earners in this group take as big a slice of national income as they did in the 1940s" (*The Guardian*, 2011).

[3] It might be pointed out that regimes of power invariably seek their own legitimation by appropriating to their own cause ideas of the right and the good, and one might argue that this is precisely what is occurring in the contemporary situation. Yet if we are to retain commitment to a sense of the ethical that is more than just sociological (that does not treat ethical discourse as merely another of the instruments of power), then

we should indeed be concerned, not only about the straightforward appropriation of the ethical that is at work here, but its explicit and encompassing character, as well as the manner in which it seems actually to be corrosive of ethical commitment as such.

[4] Some empirical researchers argue, however, to a different conclusion (although not, in my view, especially convincingly) – see eg. Schwitzgebel and Rust , 2009.

[5] A point also reinforced by studies that suggest that anti-social behaviour is often underpinned by excessively high levels of self-esteem – by a sense of being so different from others that normal considerations of conduct do not apply. See eg. Baumeister et al, 1996.

[6] For a discussion of the Davidsonian position, see Malpas, 2011.

[7] Something true even, I would argue, in the law, in which interpretation and judgment are central – see, for instance, Dworkin, 1986. I should note that my argument against rule-based approaches should not be taken to imply the irrelevance of legal or regulatory frameworks in supporting ethical and discouraging unethical practices. The point is simply that ethical conduct cannot be ensured by regulation alone, and the reliance on regulation often serves merely to encourage a compliance mentality that can itself operate to undermine genuinely ethical conduct.

[8] One might argue that it is actually the shift to the measureable and the quantifiable, rather than the generic, that is really at issue here. I am certainly sympathetic to such a view, but it seems to me that the focus on quantification, while undoubtedly significant, doesn't capture all that is involved. The replacement of a name by a number for purposes of identification (a practice that is evident in the operation, to take one example, of Australia's system of asylum seeker detention in which one can

only gain access to a detainee, even for purposes of a telephone conversation, via their identification number) is not an example of a system of quantification, but rather of a stripping away of singularity – hence the use of the term 'genericisation', which although not entirely felicitous, does capture the broader issue at stake. Quantification itself, one might say, is a species of such genericisation. What makes genericisation so attractive, whether through quantification or through generic identification, is that it facilitates manipulability.

[9] It is worth noting that I am not here calling on applied ethics to radicalise itself to such an extent that it can no longer engage with the existing political, corporate, and professional world. Applied ethicists need not become champions of social or political revolution, but they can engage, as I argue above, in ways that are indeed more critically directed at existing practices. So, for instance, when involved in the development of codes of conduct, one of the tasks for the applied ethicists ought to be the exploration of the larger framework of organisational practice into which that code is supposed to fit, to be clear on the limitations and dangers that such a code may bring with it, to articulate the way in which such a code cannot be seen as a one-off solution to the task of developing an ethical culture, but must instead be understood as part of an ongoing commitment to ethical practice, and so also to a more open and genuinely responsible form of organisational operation. Just how far one take one critical engagement is always, however, a matter of judgment – a matter of judging how much one can achieve in a given circumstance, and of whether what can be achieved is indeed worthwhile.