CONSCIENCE, LEADERSHIP & THE PROBLEM OF “DIRTY HANDS”

22 - 24 JUNE, 2014

The 21st Annual Meeting of The Australian Association for Professional and Applied Ethics

Hosted by the Centre for Faith, Ethics & Society
at the University of Notre Dame, Australia
Level 3, Pioneer House
140 Broadway, Chippendale, 2007
2014 CONFERENCE THEME:

Conscience, Leadership & the Problem of “Dirty Hands”

The development of professional duties and responsibilities is no panacea for Applied Ethics. At times, professional responsibilities appear to clash with deeper moral beliefs regarding what one ought to do, or how one ought to live. At other times, situational necessities seem to justify some individuals violating or ignoring their moral duties. We are left with this question: Are we sometimes obliged to get our hands dirty?

This conference considers the various pragmatic moral conflicts that emerge when one works in a profession aimed at creating social benefit. How do professional duties and duties to the goals of one’s profession weigh against one’s own conscience beliefs regarding right and wrong?

Join the live discussion!

The Centre for Faith, Ethics & Society will be live-tweeting this year’s conference via @unda_ethics. Tweets will be marked with the hashtag #aapae2014. If you are on Twitter, please inform our staff of your Twitter handle, and feel free to participate in the online discussion!
ABOUT

THE AUSTRALIAN ASSOCIATION FOR PROFESSIONAL & APPLIED ETHICS

The broad purpose of the AAPAE is to promote awareness and discussion of issues in the areas of applied and professional ethics. It provides a meeting point for practitioners from various fields and academics with specialist expertise and welcomes everyone who wants or needs to think and talk about applied or professional ethics.

The AAPAE publishes research in applied and professional ethics as well as attempting to create connections with special interest groups. The AAPAE does not endorse any particular viewpoint, but rather aims to promote a climate in which different and differing views, concerns, and approaches can be expressed and discussed.

For more information, visit https://www.arts.unsw.edu.au/aapae/

THE CENTRE FOR FAITH, ETHICS & SOCIETY

The University of Notre Dame’s Centre for Faith, Ethics and Society is a hub of scholarly research and reflection within the Catholic intellectual and moral tradition. It aims to engender dialogue within the academy and to enhance public debate.

The University’s vision for the Centre is that it becomes a medium through which students, staff and members of the wider community engage with the enriching and civilising potential of ethical reflection within the Christian tradition.

For more information, visit www.nd.edu.au/cfes, find the Centre on Facebook at www.facebook.com/nd.cfes or on Twitter at @unda_ethics, or contact the Centre at sydney.cfes@nd.edu.au.

THE 2014 CONFERENCE ORGANISING COMMITTEE

This year’s conference was organised by Associate Professor Sandra Lynch (Chair), Mr. Matthew Beard, Miss Elle Glynn, Dr. Alan Tapper, Dr. Peter Bowden and Dr. Joseph Naimo.
WELCOME

Dr. Hugh Breakey
President of the Australian Association for Professional and Applied Ethics

Welcome one and all to the 2014 Conference of the Australian Association for Professional and Applied Ethics! For over twenty years now, scholars, practitioners and teachers from across Australia (and often from across the globe) have been coming together at our annual conference. We were fortunate last year to have the University of Notre Dame Australia host us in sunny Fremantle. Underscoring their deep commitment to applied and practical ethics, UNDA once again host the conference - this time in bustling Sydney.

We gather here to discuss some of the genuinely difficult questions that arise when our ethical ideals collide with the messy ambiguity of the real world - questions of conscience, leadership and 'dirty hands' as they face us in military, sporting, medical and other contexts. If resolution of such perennial issues is too much to hope for, let us at least aspire to uncovering some insights that can guide our way forward.

As we wrestle over these important questions, we might remember that our conference is itself an ethical space. Moral challenges and opportunities arise as people meet and share their deepest thoughts on such fraught issues. I hope we can together create an environment that meets those challenges and seizes those opportunities.

Welcome to Sydney and the 2014 AAPAE Conference!

Associate Professor Sandra Lynch
Conference Convener and Director of the Centre for Faith, Ethics & Society

As Chair of the Conference Organising Committee and Director of the Centre for Faith, Ethics & Society, it is my great pleasure to welcome you to this year’s meeting of the AAPAE.

The theme of this year’s conference, “Conscience, Leadership, and the Problem of ‘Dirty Hands’”, was chosen to reflect what we believe to be some of the most pressing contemporary moral issues. Most people, we contend, know the difference between right and wrong in many ordinary circumstances. However, when professional duties conflict with broader moral duties, or when two apparent duties conflict, we begin to appreciate both the complexity of ethical decision-making and strains that emerge between stakeholders as the decision-making process plays out in everyday life.

I look forward to meeting you all throughout the conference, and trust that you will enjoy your time here at Notre Dame.
CONFERENCE PROGRAM

SUNDAY 22\textsuperscript{ND} JUNE

5:00pm  \textbf{Opening Cocktail Reception}
Level 4, Pioneer House
University of Notre Dame Australia
140 Broadway, Chippendale, 2007

MONDAY 23\textsuperscript{RD} JUNE

8:30am  Registration. Venue: Lobby Area

9:00am  Welcome & Acknowledgement of Country. Venue: Lecture Theatre 310


10:30am  Morning Tea. Venue: Lobby Area

10:50am  \textbf{1\textsuperscript{st} General Session}

All General Sessions will run for 40 minutes each, comprising of 25 minutes of presentation time and 15 minutes for questions from the floor.

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<th>\textbf{Business Ethics}</th>
<th>\textbf{Ethics + Human Enhancement}</th>
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<tr>
<td>Venue: Room 302</td>
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<td>Chair: Howard Harris</td>
<td>Chair: Jai Galliott</td>
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\textbf{Chris Provis}
“Intuition, Analysis, and Reflection in Business Ethics”

\textbf{Michael Kennedy & Judith Kennedy}
“Enhancing Sporting Performance with Pharmacological Agents”

\textbf{Jay Joseph}
“Self-interest and Altruism: Pluralism as a Basis for Ethical Leadership in Business”

\textbf{Nikki Coleman}
“Did I Really Sign Up for THIS? The Unlimited Liability Contract and Medical Treatment and Experimentation on Serving Military Personnel”

12:10pm  Lunch. \textit{Delegates to secure own lunch from any of the various outlets on Broadway.}

1:00pm  \textbf{Keynote Address: Raimond Gaita: “We Should Stop Talking About Dirty Hands”}. Chaired by Renee Kohler-Ryan. Venue: Lecture Theatre 310

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2:15pm  
**2nd General Session**

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<th>Dirty Hands</th>
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<td>Chair: Joseph Naimo</td>
<td>Chair: Sandra Lynch</td>
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Jennifer Ang Mei Sze  
“Dirty Hands, Moral Blind Alleys and Moral Limits”

Joanne Grainger  
“The Impact of Victorian Abortion Law and Freedom of Conscience for Registered Nurses”

James Franklin  
“The Worth of Persons and the Morality of Emergency Situations”

George Mendz  
“Objection in Conscience and Relativism”

3:35pm  
Afternoon Tea. Venue: Lobby Area

3:55pm  
**3rd General Session**

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<th>Professional Responsibilities</th>
<th>Whistleblowing</th>
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<td>Venue: Room 304</td>
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<td>Chair: Matthew Beard</td>
<td>Chair: Marc Orlitzky</td>
<td>Chair: Joseph Naimo</td>
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Adam Gastineau  
“The Trials of Joe: Noble Cause Corruption and Police Culpability”

Peter Bowden  
“Whistleblowing: Is it Dirty Hands?”

Kevin Watson  
“Unpacking the beliefs and attitudes of Australian HREC members: An examination of influences on reviewer decision-making”

Nigel Zimmerman  
“Ordinary, Messy Virtue: Towards a Renewed Hippocratic Ethics of the Physician”

Wendy Lipworth  
“Beyond Whistleblowing: Addressing Systematic Corruption in Social Institutions”

Howard Harris  
“Justice and Sustainability: Some Islamic Insights”

5:15pm  
Close of Sessions

**EVENING EVENTS**

6:30pm  
Panel Discussion: “Ethical Leadership in the Professions”

Featuring Raimond Gaita, Kath Albury, Stephen Coleman; chaired by Hugh Breakey.  
Venue: Lecture Theatre 310. Doors will open at 6:00pm. Drinks and light refreshments will be available.
8:00pm  Conference Dinner: The Duck Inn Pub and Kitchen
74 Rose St, Chippendale 2007

Pre-booking and pre-payment is essential. If you wish to attend the dinner and haven’t yet registered your interest, please speak to conference staff at the registration desk as soon as possible.

TUESDAY 24TH JUNE

8:30am  Registration. Venue: Lobby Area

9:00am  4th General Session

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<th>Ethics and Vulnerability 1</th>
<th>Military Ethics 1</th>
<th>General Stream 2</th>
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<td>Venue: Room 302</td>
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<td>Chair: Hugh Breakey</td>
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<th>Ethics and Vulnerability 2</th>
<th>Military Ethics 2</th>
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<td>Venue: Room 302</td>
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<td>Chair: John Rees</td>
<td>Chair: Sandy Lynch</td>
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<td>Max Cherem</td>
<td>Jai Galliott</td>
<td>Elizabeth Shaw &amp; Phillip Wright</td>
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10:20am  Morning Tea. Venue: Lobby Area


11:55am  5th General Session

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<td>Venue: Room 302</td>
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<td>Chair: John Rees</td>
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<td>Ronald Francis</td>
<td>Matthew Beard</td>
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1:15pm  Lunch. *Delegates to secure own lunch from any of the various outlets on Broadway.*

2:00pm  **Keynote Address. Aden Ridgeway: “Quandry in Utopia”**
        Chaired by Sandra Lynch. Venue: Lecture Theatre 310

3:00pm  **6th General Session**

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<td>Venue:</td>
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<td>Chair:</td>
<td>Peter Bowden</td>
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<td>Ray Younis</td>
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- Alan Tapper
  - “On the Coherence of the Concept of a Profession”

- Alistair Ping
  - “Why Good People Do Bad Things”

3:40pm  Afternoon Tea. Venue: Lobby Area

4:00pm  BEAM: NSW Bioethics and Medicine Society Presentation. Venue: Lecture Theatre 310

4:10pm  Presidential Address and Close of Conference. Venue: Lecture Theatre 310

5:30pm  AAPAE Annual General Meeting *(Attendance Optional).* Venue: Directors Boardroom, Level 4
KEYNOTE SPEAKERS

KATH ALBURY

Dr. Kath Albury is Senior Lecturer in the School of Arts and Media at the University of New South Wales Australia, where she currently teaches in the areas of contemporary media; sport, media and culture; and online and mobile media.

Kath’s research draws on media studies and cultural studies methodologies to focus on gender, sexuality, sexual ethics and sexual learning. Her work explores theoretical and applied understandings of mediated sexual self-representation, sexual sub-cultures and alternative sex practices; young people’s mediated sexual cultures, and the primary prevention of sexual violence. Her current research projects focus young people’s practices of digital self-representation, and the role of user-generated media (including social networking platforms) in young people’s formal and informal sexual learning. As part of her ARC Postdoctoral Fellowship research, Kath designed and delivered primary prevention sexual ethics programs for the Australian National Rugby league.

Kath is also a community educator and facilitator, and has worked with the National Association of People Living with HIV/AIDS’ Treataware project since 1996. Since 2001, Kath has been a Chief Investigator on three Australian Research Council (ARC) Discovery grants, and a Lead Investigator on an ARC Centre of Excellence grant and an ARC Linkage collaboration with Family Planning NSW. She has also successfully coordinated a commissioned research collaboration with the NSW Health Department’s STI Programs Unit, and undertaken a Researcher in Business placement funded by the Australian Department of Industry, Innovation, Science, Research and Tertiary Education.

RAIMOND GAITA

Raimond Gaita is Professorial Fellow in the Melbourne Law School and The Faculty of Arts at the University of Melbourne and Emeritus Professor of Moral Philosophy at King’s College London. He is a Fellow of the Australian Academy of the Humanities.

Raimond’s publications include: Good and Evil: An Absolute Conception, the award winning Romulus, My Father, which was made into a feature film starring Eric Bana, Frank Potente and Kodi Smit-McPhee; A Common Humanity: Thinking About Love & Truth & Justice, The Philosopher’s Dog, Breach of Trust: Truth, Morality and Politics and, as editor and contributor, Gaza: Morality Law and Politics; Muslims and Multiculturalism; and with Alex Miller and Alex Skovron, Singing for All He’s Worth: Essays in honour of J.G. Rosenberg; Who’s Afraid of International Law (edited with Gerry Simpson) and On Dignity was published in 2012.

Raimond has contributed extensively to public discussion about reconciliation, collective responsibility, the role of moral considerations in politics, the Holocaust, genocide, crimes against humanity, education (the nature of teaching as a vocation, the role of love in learning) and the plight of the universities.
STEPHEN COLEMAN

Stephen holds a B.A. (Hons) from Macquarie University, Sydney and a Ph.D. from Monash University, Melbourne. Prior to his commencement at ADFA in January 2006 he worked for seven years for Charles Sturt University, as a Lecturer in Ethics in the School of Policing Studies and as a Senior Research Fellow at the Centre for Applied Philosophy and Public Ethics (a position he still holds).

He has served as Associate Editor of the international peer-reviewed journal Criminal Justice Ethics, and Guest Editor of special issues of the journals: Australian Journal of Professional and Applied Ethics, Professional Ethics, and Business and Professional Ethics, as well as the editor of conference proceedings for the Australian Association of Professional and Applied Ethics.

He is the author of two books (The Ethics of Artificial Uteruses: Implications for Reproduction and Abortion, Ashgate, 2004; Military Ethics: An Introduction with Case Studies, Oxford University Press, Oxford, 2013) and many papers in academic journals and edited collections on a diverse range of topics in applied ethics, including military ethics, police ethics, medical ethics, and the practical applications of human rights. In addition to these published papers he has presented at conferences in Australia, New Zealand, Hong Kong, the United Kingdom and the United States. He currently serves as the Convener of the ADFA Human Research Ethics Advisory Panel.

ADEN RIDGEWAY

Dr. Aden Ridgeway is a proud member of the Gumbayngirr people. Growing up on a reserve near Nambucca Heads, Aden was five years old when the historic 1967 referendum was passed giving Indigenous Australians the right to vote. Thirty years later he would become the second Aboriginal person elected to Federal Parliament.

Aden is currently Partner at Cox Inall Ridgeway, a specialist Indigenous communications, policy, project delivery and research agency based in Ultimo, Sydney on the land of the Eora nation. In addition to this, Aden is Executive Chairman of Indigenous Tourism Australia and Adjunct Professor, UTS, Sydney and Chair of the Bangarra Dance Theatre, the NSW Reparations Repayments Scheme Panel and the Federal Government’s Remote Enterprise Centre.

Aden is a Trustee for the Rio Tinto Aboriginal Fund; and is the Patron of The Centre for Aboriginal Independence and Enterprise. Aden also offers expert consultation to various organisations, including the NSW Aboriginal Land Council and Maari Ma Aboriginal Health Corporation.
KEYNOTE ABSTRACTS

In order of presentation:

KATH ALBURY

From ‘Laws and Rules’ to Sex and Ethics: Reflections on Cultural Change and the National Rugby League

Since 2004, the National Rugby League’s Education and Welfare program has collaborated with feminist researchers and educators to promote ethical behaviour in the area of sex and relationships. This presentation draws on personal reflections, interviews with past and current staff at the National Rugby League, the University of New South Wales, and Rape and Domestic Violence Services Australia (formerly NSW Rape Crisis Centre) to unpack the specific understandings of gender, pedagogy and ethics that have underpinned this process of partnership and cultural change.

RAIMOND GAITA

We Should Stop Talking About ‘Dirty Hands’

Like everyone else, philosophers sometimes turn overused phrases into clichés, diminishing sensibility to what is at issue in the topics under discussion. ‘Quality of life’ is one, ‘Dirty hands’ is another. The point of my title, therefore, is not that we shouldn’t discuss the complex relations between morality and politics that are usually under consideration when the latter phrase is used in political philosophy – as for example when someone discusses “the argument from dirty hands”.

In this paper I want to discuss why tone matters in ethics (though not only there of course). When philosophers discuss “the problem of dirty hands”, they often call one another to moral and political seriousness, to sobriety, indeed. I’ll attempt to make my case by taking as an example the discussion about whether it is sometimes justified to torture people if doing so would save many lives.

STEPHEN COLEMAN

Even Dirtier Hands in War: Considering Walzer’s Supreme Emergency Argument

War is undoubtedly a dirty business, usually entailing massive destruction and loss of life on both sides. In an attempt to limit this inevitable death and destruction, philosophers have argued that belligerents must follow certain principles in the conduct of warfare; namely the principles of discrimination (that only legitimate military targets may be attacked) and of proportionality (that the damage done in attacking such targets must not be out of proportion to the military value of the target). These principles have come to be enshrined in International Law through a range of treaties, which are collectively known in military circles as the International Law of Armed Conflict (LOAC).
The essential idea at the heart of Michael Walzer’s supreme emergency argument, or as Brian Orend calls it, the supreme emergency exemption, is that desperate times call for desperate measures. If the situation is dire enough, and the consequences faced are serious enough, then it will be justifiable to act in ways which would normally be prohibited. In concrete terms, what this means is that during a time of war, a state can in some circumstances ignore the usual rules of warfare (i.e. the principles of discrimination and proportionality). Walzer claims this is justified if and only if the following conditions are met: the state is the victim of aggression, the state is about to be militarily defeated, and that the consequences of defeat will be catastrophic (i.e. would include extreme and widespread violations of fundamental human rights). In other words, when faced with a supreme emergency one is justified in engaging in widespread violations of the rights of some people (people to whom one only has a general duty) in order to prevent widespread violations of the rights of others (people to whom one has a specific duty).

In this paper I argue that the “rules” which must be applied in order for widespread rights violations to be considered justified are actually well understood, and that supreme emergency is not an unusual situation for which new rules must be considered, but simply an important specific example of such a situation. Essentially I argue that one must dirty one’s hands in war, but that there is no need for one’s hands to get any dirtier in a situation of supreme emergency.

ADEN RIDGEWAY

Quandry in Utopia

“Quandry in Utopia” is an idea and a reflection on reality. I will speak about the knowledge and experience gained from my time in federal parliament in dealing with the state of Indigenous affairs and the perilous slippery slope of constant rule-changing and its impacts upon Australia’s Indigenous peoples. I will also reflect on my own upbringing on an Aboriginal reserve, the eventual move to the city, and being informed by family and cultural experience.
CHRIS PROVIS

Intuition, Analysis and Reflection in Business Ethics

Intuition, analysis and reflection are three different but related processes that lead to ethics-related judgments and decisions in business. Examples are given to suggest that on occasion one process may be preferable to another. The distinction amongst the three processes is then explored in the light of modern cognitive psychology. There are differences amongst forms of intuition: sometimes, intuition uses mental heuristics that give quick but inaccurate results, but sometimes it is the product of experience and learning. Both reflection and analysis are more effortful, systematic processes than intuition, and can be distinguished from one another on the basis that analysis is serial associative processing whereas reflection interrupts such processes to establish new points of departure. Complex institutional environments like business organisations need each sort of process. They are also environments where reflection and feedback are especially social and language-based. Clarifying the nature of the processes and the distinction amongst them can assist both teaching and managing business ethics.

MICHAEL KENNEDY AND JUDITH KENNEDY

Enhancing Sporting Performance with Pharmacological Agents

The belief that pharmacological agents can enhance performance is alive and well and the World Anti-Doping Agency (WADA) regularly reviews drugs suspected of being used in sport. If it is determined a drug enhances sporting performance, represents a potential risk to athletes or violates the spirit of sport, it is placed on its banned list. That a substance is not on the banned list does not, of itself, mean that it has no effect. Indeed a wide spectrum of non-banned agents are promoted as both enhancing sporting performance and being safe to use. These substances range from low dose, harmless vitamin supplements to pharmacological agents that may cause serious adverse reactions including newly synthesised uninvestigated analogs. Obvious ethical concerns with regard to drug use in sport are the duties and responsibilities of the party involved. Prominent in relation to the sportsperson (and in the case of children, their parents) is the freedom to do as they see fit, which includes their right to make silly or even dangerous decisions. The involvement of sports scientists, coaches and administrators in pharmacological enhancement has been highlighted by recent scandals and, in one high-profile case, the laboratory entrusted to respect the confidential conditions under which specimens were provided, released information on the athlete. We suggest the underlying problem is the vast amount of pharmacological misinformation being purveyed within the community and an entrenched belief system both of which have enormous potential to do harm. For doctors and other health professionals, the ethical duty remains to treat or prevent illness and injury, and to avoid becoming entrapped in enterprises of harm.
Self-interest and altruism: Pluralism as a basis for ethical leadership in business

Self-interest (also known as egoism) has been the dominant ethic for business leaders since the Wealth of Nations. Not only is self-interest widely recognised as the primary motive for human action, but economic theory argues for its instrumental value in organising the effective distribution of resources across society. Early research in evolutionary biology, economic theory and philosophical fields supported this approach, validating self-interest as a moral basis for ethics in business leadership. However, as rapidly as self-interest was morally accepted, questions of this myopic approach began to arise.

Evolutionary biology and social psychology in particular, demonstrated that the human moral construct included altruism; the ethical opposite of self-interest. Findings show that altruism and self-interest are dual factors that play a role in psychological decision making, evolutionary processes and motivational determinants of behaviour. Although some theorists still hold to a singular view on human ethics, pluralism is now widely accepted across fields. Pluralism fundamentally expands our view on what makes us human; and more specifically, what defines an ethical basis for business actors and leaders. Relevant leadership theory is incorporated to show this phenomenon, and is used to examine the relevancy of self-interest and altruism in business practice. The ethical outcomes of both factors are discussed, with the article concluding that the combination of both self-interest and altruism provides a more concrete approach to ethical leadership in business than a myopic approach alone. The paper calls for pluralism to be used as a foundational basis for ethical leadership discussions in the modern era.

Did I really sign up for THIS? The unlimited liability contract and medical treatment and experimentation on serving military personnel

The so-called ‘unlimited liability contract’ (ULC) is an implied contract that impacts on the lives of military personnel worldwide. The concept of the unlimited liability contract is that when members of the military ‘sign up’ for military duty they surrender certain rights by the very nature of their military service – they must obey legal orders, are placed at an increased risk of harm or death in certain situations due to their military service and they surrender certain rights by the very nature of their military service, such as their right to safety, to autonomy, to freedom of movement, and so on.

There are many activities that military service personnel can expect to be involved in when they ‘sign up’ to join the military. However, military service personnel are often surprised to discover that there are a number of other activities in which they are compelled to participate that do not directly relate to their ‘military duties’. For example, members of the Australian Defence Force are not permitted to refuse medical treatment, and generally do not get to choose who provides that medical treatment.

One of the consequences of military personnel not being able to refuse medical treatment is that they become open to being used in medical experimentation. During World War II various military institutions conducted medical experimentation on civilians, captured enemy soldiers and their own military personnel. Medical experimentation has also been documented during times of war and peacetime since (including during the first Gulf War). It appears that at times this research was done largely without those personnel even knowing that they were the subject of research, to the point where military personnel were often not told what medications they were being ordered to take or be injected with. It seems reasonable that military service personnel who are forced to take part in medical experimentation without their consent, or without their knowledge and consent, and who suffer injury or illness as a result, would ask themselves the question ‘did I really sign up for THIS?’
It is reasonable to suggest that military personnel did not sign up to be lab rats and monkeys to be experimented upon, as it is difficult for them to see the link to protecting their country, particularly when they are not given information about the experimentation, and what its end aims are.

JENNIFER ANG MEI SZE

Dirty Hands, Moral Blind Alleys and Moral Limit

In “The Problem of Dirty Hands”, Michael Walzer framed the moral dilemma for politicians as one between courses of action producing the best consequences or the least evil. He argues that in both instances, the politician will experience distress and guilt, yet we will not consider him guilty because he needed to act morally bad to do what is right. If he had kept his hands clean, he would fail to do the right thing and fail to measure up to the duties of political office. What is right or wrong for a politician as such lies outside of morality. Thomas Nagel in “War and Massacre” sees that we should instead consider these decisions as clashes between moral judgments: it is a choice between utilitarian computations of what will happen and an absolute prohibition of certain actions being carried out to achieve any of these ends. His resolution to this dilemma is for us to adopt absolutism when it concerns certain courses of actions and measures taken. This is because “when one of the choices is to do terrible things to another person,” the problem is altered fundamentally since “it is no longer merely a question of which outcome would be worse.” In other words, the moral blind alley is a dilemma where either committing or failing the prohibited act is morally wrong.

This paper recasts dirty hands and moral blind alley in preemptive wars and armed humanitarian interventions. It argues that while maintaining clean hands under these circumstances of conflict may be costlier from a consequentialist perspective, it is even costlier if the use of military solutions does not come with controlled and minimal costs. What follows is an examination of how we can limit to the moral costs of our armed solutions by prohibiting regime change as an end and exercise absolute prohibitions over the deployment of certain type of means.

JOANNE GRAINGER

The Impact of Victorian Abortion Law and Freedom of Conscience for Registered Nurses

The decriminalisation of abortion in Victoria was presented to society, health professionals and media as positive legal reform enabling women unfettered access to pregnancy termination services without fear of impending criminal sanctions. The socially and politically divisive parliamentary debate focused on the relationship between the pregnant woman and health professional, predominately from a medical perspective. During the debates and post the passing of legislation, there has been little discussion at a social, political or professional level of the impact such legislative changes has upon the Victorian registered nurse, in particular on the issue of conscientious objection.

The paper will argue that the professional status of nursing has been intrinsically and extrinsically harmed by the enactment of the Victorian Abortion Law Reform Act (2008) due to the negation of a registered nurses freedom of conscience. The socio-political and professional influences upon this loss of freedom of conscience for Victorian registered nurses will be explored. Finally, it will be presented that registered nurses ability to conscientiously object to their participation in treatment or procedures that they final morally unacceptable is not always about the nurse, but about advocacy for vulnerable patients in their care.
JAMES FRANKLIN

The worth of persons and the morality of emergency situations

Strict utilitarianism fails to give moral weight to justice as such. At the other extreme, strict deontological theories that take an uncompromising “No evil so that good may come” approach fail to give moral weight to the possibly horrendous consequences of keeping one’s hands clean. None of the standard metaethical approaches successfully resolve this dilemma – they do not provide principles by which the moral weight of right action and of consequences can be balanced. One reason for this standoff is that standard metaethical views lay down principles for right action that are not solidly grounded in the prior ethical qualities of the humans that perform, and suffer the effects of, actions. A metaethics based not on principles of the rightness of actions but directly on the worth of persons promises to make progress, as it gives weight to both sides of the dilemma. But the abstract nature of the foundation makes it unclear how to apply it to complex real cases.

The paper examines what a focus on the worth of persons would imply in some standard cases of “dirty hands” dilemmas: torture, collateral damage in military operations, reason of state and emergency situations. It is argued in general that emergency situations where there are “clear and urgent” risks of disastrous outcomes do ethically call for actions that are not permitted in normal circumstances. Ticking bomb cases – of which there are real examples, contrary to mythology – can require an appropriate level of torture. Capital punishment is normally unethical but could be required in emergency situations.

Slippery slope arguments to the effect that if normally wrong acts are ever permitted then they will gradually become widely accepted are considered. The problem is a serious one since humans do act in imitation of others and such consequences need to be placed in the balance when considering “dirty” actions; but it is insufficient to rule out all such actions in true emergencies.

GEORGE L. MENDZ

Objection in Conscience and Relativism

In this study, conscientious objection is understood as a non-compliance with a law motivated by a dissenter’s belief that it is morally prohibited to follow it because the law is either bad or wrong, totally or in part. It is assumed that in a reasonably just and free society, citizens have a general moral obligation to follow the law. However, considering that the legality of an action may not determine necessarily its moral status, particularly in positivist legal systems, it is possible for a society to enact laws that individuals find immoral, and unable to comply with according to their conscience. Not infrequently, persons working in the areas of Bioethics and Health Care find that laws and policies are implemented that go against their moral principles. It has been proposed for individuals who find problems of conscience with particular laws and regulations, to appeal to an objection in conscience to be exempted from them.

Defining relativism as an intellectual perspective that denies the existence of objective truths that serve as foundation of a natural moral order, the question arises whether conscientious objection is tenable, either in practice and/or in theory, in a relativist cultural context.

To develop the argument, an analogy is drawn with Husserl’s analysis of skepticism. It is discussed how foundational truths are essential to construct an objective moral order of which objection in conscience could be an integral element, and how a relativist system of ideas could incorporate objection in conscience only as an extrinsic element, for example, as an expression of the will of the legislator.
The conclusion of the study is that conscientious objection is inconsistent with relativism, both in practice and in theory. Consequently, in a society based on relativism, always it would be possible to rebut coherently the reasons of individuals to object in conscience to a law, rendering void their efforts to safeguard their conscience.

**ADAM GASTINEAU**

*The Trials of Joe: Noble Cause Corruption and Police Culpability*

In the case presented, Joe and Mick are police officers who have arrested a known felon. Joe must choose between supporting his brother-in-law Mick’s perjury, and harming his own family and possibly other innocents by reducing the chances that a nefarious criminal will be convicted of the crime for which he was arrested. I will conclude that if Joe perjures himself in his report he will have committed a moral wrong, making such an action a ‘one-off’ case of noble-cause corruption. Furthermore, I argue, should Joe choose to perjure himself, he would be morally culpable for the harms that would result from the action. Circumstances would not excuse Joe, or any other police officer, in this case.

In support of this conclusion I will break down the case and compare it to another ‘one-off’ case of noble-cause corruption where the officers involved are morally justified in their actions all things considered, even when the act itself can be said to be wrongful pro tanto. Part of this argument will rest on the claim that police officers qua police bear greater moral obligations to protect both the rights of those within their jurisdiction, and that because of this, insofar as they freely choose to take on this obligation, they are required to bear greater harms than other ‘private’ citizens who may find themselves in similar straits. If this argument is sound it should have consequences for both legislators and departmental administrators seeking to handle such one-off cases of noble-cause corruption, as well as for officers seeking to ‘do the right thing’ in such situations.

**PETER BOWDEN**

*Whistleblowing: Is it dirty hands?*

A number of ethicists question the value of blowing the whistle in the organisations with which we work. In statements referenced in the main text, some describe the practice as ‘disloyal’, others as akin to the worst excesses of Nazi Germany or the Soviet system. That it is sneaky and underhand, destroying trust in the workplace. The term ‘dirty hands’ is also used to describe the practice. Others question its effectiveness. Possibly the most common practice in the writing and teaching on ethics, however, is not to consider whistleblowing as an ethical issue at all. In short to ignore it. This paper first documents these statements, and then defines the practice of whistleblowing, illustrating the more common definitions with actual examples. Included then are the findings of whistleblower researchers, from several different disciplines, of the successes, failures and the many weaknesses of the practice. These pages draw the conclusion that the weaknesses are many and much research is still needed. But in the broad, the research on the achievements of whistleblowing in identifying and stopping wrong doing, referenced in the text, are sufficiently valid to assert that the practice is successful in identifying wrongdoing, and in leading to an environment in which wrongdoing can be lessened. These achievements are possible, despite the many difficulties and further strengthening needed in current practices. As such, whistleblowing is a near mandatory inclusion in any ethics teaching and writing that hopes to lead to strengthened ethical practices. The teaching, in particular, would ensure that those who want to prevent or expose a wrong know how to protect themselves from retaliation; also that they are familiar with the various administrative practices designed to provide protection; and finally with approaches that help ensure that their revelations are acted on. The paper concludes by documenting some of the weaknesses where further academic research would strengthen current practices.
BORIS HANDAL, KEVIN WATSON, MARC FELLMAN, MARGUERITE MAHER AND MIYA WHITE. PRESENTER: KEVIN WATSON

Unpacking the beliefs and attitudes of Australian HREC members: an examination of influences on reviewer decision-making

This paper focuses on the nature, origin and development of an individual’s beliefs and attitudes. The discussion focuses on the relationship between the concepts of beliefs and knowledge, beliefs and attitudes, and among beliefs, attitudes and behavior in the context of research ethics. Differences between beliefs and knowledge systems are elucidated and attention is paid to the positive roles played by beliefs in human existence. The paper establishes a theoretical framework to guide the genesis of our own beliefs about research ethics and the implications of these beliefs on our review practice as members of Human Research Ethics Committees (HREC). It is suggested that ethics clearance practices at times can be more influenced by personal beliefs than by contemporary review standards. It is also suggested that those beliefs can be transmitted through the review process and that HRECs act as vehicles to pass those understandings from the reviewer to the researcher. The paper also suggests ways how reviewers’ beliefs originate in the context of a university’s hectic life and in situations where reviewers’ decision are made in solitude, quickly, across diverse disciplines and using intuitive knowledge.

NIGEL ZIMMERMAN

Ordinary, messy virtue: Towards a Renewed Hippocratic ethics of the Physician

In this paper, attention is drawn to the possibility of a renewed ethics of the role of the physician by appeal to the Hippocratic tradition. The Hippocratic Oath, in its many permutations, offers a unique historical example of a document that marks the boundary-crossing of the physician-in-training into the office of a physician, properly speaking. In making the Oath, the student enters into a new maturity that develops out of his or her own subjective desires and constructs, through to an outlook that is bound to a transcendent ideal of both technical acumen in the chosen profession of the physician, but also in a zeal for that which is good. In other words, the Hippocratic tradition focuses the maker of the Oath upon a moral good; both for the physician and also for the patient. It may be years of practice and reflection before the significance of the Oath is realised in any particular medical professional. This is of relevance in contemporary bioethical debates in which physicians are increasingly trained to disregard and trivialise the moral dimensions of their work, and the example of euthanasia will be called upon to illustrate the manner in which the Hippocratic tradition calls physician and patient alike towards a higher, but also more realist sense of virtue – in its ordinary and every day sense, and the manner in which the good may be perceived even in the messiest of life and death conundrums. In this sense, a Hippocratic ethics of the physician might be possible that shows how the notion of ‘dirty hands’ is misleading, but also promising, in terms of the ethical possibilities for a virtuous vision of the role of the physician in difficult circumstances.

WENDY LIPWORTH AND IAN KERRIDGE. PRESENTER: WENDY LIPWORTH

Beyond whistleblowing: addressing systemic corruption in social institutions

Those who “blow the whistle” on their colleagues in commercial, professional and public organisations often focus their attention on the “corrupt” actions of individuals or groups. This focus on exposing corrupt individuals and groups has the potential to obscure two important facts about social institutions. First, it can obscure the fact that corrupt actions take place in “corruptionogenic” organisations - that is, in organisations that create relationships and opportunities for corrupt actions by the way they are organized and managed.
Second, it can obscure the fact that there is another kind of corruption: a social institution might be considered to be “corrupted” to a greater or lesser degree if it has been degraded in such a way that it is unable (or less able) to fulfill its primary functions, irrespective of whether anyone is engaging in corrupt actions as defined above.

There are two implications of this line of reasoning for those with an interest in whistleblowing: First, it means that those investigating allegations of corruption need to examine the ways in which the system has created opportunities for bad behaviour. Simply exposing and removing a few “bad apples” will not make the organisation any less “corruptogenic,” and the behaviour will most likely recur. Second, it highlights the limits to whistleblowing as a way of dealing with aberrance in social institutions. No amount of whistleblowing will address systemic causes of degradation such as incompetence of management, inadequacy of resources or competing professional interests. Other mechanisms are needed to expose and address these kinds of problems.

**HOWARD HARRIS**

*Justice and sustainability: some Islamic insights*

The Medieval Islamic philosopher, poet and cleric Abu Hamid Al Ghazali explored the ways in which work and commerce could be undertaken in conformity with the Islamic principle of benevolence. His writings foreshadow contemporary concerns regarding sustainability and the role of personal virtues such as justice in furthering sustainability. The paper seeks first to provide a summary of relevant work by Al Ghazali in the context of a view of sustainability that places greater weight on actively striving for justice than on the achievement of a future ideal state. Then it seeks to draw comparisons with the work of Amartya Sen and Deirdre McCloskey – particularly Sen's focus on human capabilities in his ‘The idea of justice’, and McCloskey's consideration of the relevance of the traditional virtues in contemporary management and commerce.

The concluding section shows how these non-utilitarian approaches to sustainability are relevant today. It links the discussion back to the Brundtland/Rio definition of sustainable development which is so widely used today as a definition of sustainability and draws attention to the two forms in which the definition appears in the ‘Our Common Future’ report for the Rio Earth Summit, one focused on an outcome and the other on a process of seeking.

Al Ghazali (1058-1111CE) lived in Baghdad and is considered an influence on Aquinas and the development of the Western tradition which linked Aristotle with Christian thinking.

**DON JOHNSTON**

*Getting Your Hands Dirty? The Ethical Guidelines by which Red Cross Personnel Evaluate Private Donor Suitability*

In addressing whether situational necessities sometimes oblige professionals to violate or ignore our ethical imperatives and get our hands dirty, this presentation will examine the ethical guidelines by which personnel in Red Cross and Red Crescent Societies evaluate whether or not to accept donations from particular private donors to fund emergency response efforts. While the answer to the above question is an emphatic “no,” the truth is that the definition of dirty is subjective, the needs are great, funding almost always scarce, and the guidelines must constantly be interpreted according to the situation. A brief presentation of the history and legal status of the different components of the Red Cross Red Crescent Movement will introduce the ethical guidelines on which all Red Cross action is based. The Seven Fundamental Principles of Humanity, Independence, Impartiality, Neutrality, Unity, Universality, and Voluntary Service provide all Red Cross Red Crescent
personnel at all levels directions for action when no specific policy or decision applies, even for matters such as evaluating donor suitability. The question of whether Red Cross and Red Crescent personnel are sometimes obliged “to get their hands dirty” by accepting funds from private donors to help save or better the lives of those affected by disaster or conflict will be discussed utilizing as a case study the ongoing emergency response of the Solomon Islands Red Cross Society. Several weeks ago, while responding to the catastrophic floods which tore through the capital Honiara and the island of Guadalcanal, destroying and damaging houses, water sources, and livelihoods, the Solomon Islands Red Cross Society had to evaluate whether or not to accept donations from the Australian-owned Santa Barbara Gold Ridge mining company and the Solomon Islands Tobacco Company. The two different bases (one ethical, one legal) upon which these donations were rejected show how decisions as to whether or not to get one's hands dirty are made utilizing the Red Cross' ethical guidelines. These decisions by the Solomon Islands Red Cross Society will be compared to a recent decision made by the Nigerian Red Cross Society to accept donations from the Chevron and Exxon Oil companies to fund their flood-relief efforts. These two case studies will show how the principles which ethically buttress the Red Cross and Red Crescent Movement are used by Movement personnel every day in order to endeavour not to get their hands dirty.

GRAHAM BARTER

Wars Have Laws; It is Better to Break Them Than to Change Them

Ethical questions during military operations are complicated by three significant issues. Firstly military operations are carried out in response to political demands which are not, generally speaking, open to challenge; secondly, operations are conducted by following orders, which again are generally not open to challenge; and thirdly, there is usually no time for individual contemplation.

In this paper I will suggest that, lacking the time for individual reflection or (usually) the capacity to disobey orders, a member of the military must be relieved of the burden of shouldering individual moral responsibility to the greatest extent possible in order to comply with a duty to act, in a way that would ordinarily be described as morally repugnant, in the service of the public.

The military has met the challenge with an essentially deontological theory of ethics based on an oath of allegiance, a duty to obey lawful commands, an understanding of the laws of war and a commitment to traditions and values, which together I will call the rules. The burden can only genuinely be relieved however if the member is confident that the rules have a sound ethical basis and that orders are given in accordance with the rules from which they derive their ethical basis. To maintain ethical integrity it follows that it is essential the rules do not change according to the whim of someone in authority.

Sometimes it will not be expedient to follow the rules but it should never be suggested that a failure to do so, in any circumstances including Supreme Emergency, is justified. When the rules have not been followed I suggest it is necessary to acknowledge that a breach has taken place, which is unethical and wrong, followed by an apology and possibly reparation, rather than asserting the actions giving rise to the breach were rendered ethical by the circumstances in which they took place.

MICHAEL ROBILLARD

Exploitation and Doxastic Vulnerability: Expanding the Realm of Unreasonable Options

Contemporary formulations of wrongful exploitation almost invariably include some reference to vulnerability.
Despite the pervasiveness of this idea of vulnerability, conceptions of vulnerability have considerably varied amongst theorists, ranging from formulations like those proposed by Alan Wertheimer to more stringent formulations like those offered by Mikhail Valdman. In the case of the former, vulnerability is largely cashed out in terms of an agent being under pressure and lacking adequate information. In the case of the latter, vulnerability is understood in terms of an agent not simply being under pressure and lacking adequate information but, as Valdman puts it, being completely out of reasonable options. But what does it mean for an agent to truly be, “out of reasonable options”?

In this paper I submit that the ways in which an agent may be out of reasonable options encompass a far greater range of cases than typically thought. In addition to the typical physical, economic, or emotional ways in which an agent is usually understood to be out of reasonable options, I argue that an agent may also have her back to the wall and be made vulnerable in terms of her moral and epistemic commitments. In other words, my claim here is that an agent’s beliefs can equally function to put that agent’s ‘back to the wall’ and serve as leverage points for wrongful exploitation, even when there is no physical wall to be found. In this paper, I refer to this class of vulnerability as doxastic vulnerability. Given this notion of doxastic vulnerability, I argue that the scope of wrongful exploitation extends much wider than typically thought as do our concomitant duties to aid and assist those who are vulnerable in this way.

**BLIGH GRANT, ROBERTA RYAN AND ALEX LAWRIE. PRESENTER: BLIGH GRANT**

‘Dirty Hands’ and Commissions of Inquiry – Does it Matter? An Examination of the Local Government Review Panel in NSW

Commissions of inquiry are a ubiquitous feature of Australian public life, taking centre stage in both investigations of criminality and for public policy settings. A recent contribution to commission scholarship by Joe Wallis (2013) has suggested that despite consistent pronouncements as to their ‘independence’, commissioners of inquiry rationally seek the views of appointing governments when preparing their findings and recommendations – raising the possibility that they definitively have ‘dirty hands’. This paper applies Wallis’ (2013) framework to the Independent Local Government Review Panel (ILGRP) that ran from 2012 to 2014 in NSW. We argue that despite consistent claims of the ILGRP’s independence, an examination of these events suggests that, tacitly or otherwise, the panel conforms to Wallis’ (2013) definition. However, we argue that this does not compromise the ILGRP’s activity. Rather, it ought to be understood as an ‘Appreciative Inquiry’ (AI) reflecting the ambiguities surrounding the issue of ‘dirty hands’.

**SEBASTIAN SCHNEIDER**

Rethinking the concept of war – a philosophical approach

Today’s discourse in thinking about war reminds us of the famous Clausewitzian dictum that “war is a chameleon” that is constantly changing its nature: in former ages war was often characterised by the clash of similar armies and decisive battles, whereas today we talk about asymmetry, terrorism and atrocities to civilians. Open and unsolved questions stemming from this new situation are highlighted in current world politics. Today, the concept of war can be used and exploited for political purposes in one way or another, as can be seen, for example, with the so called “War on terror”.

In my paper, I want to outline some ideas about a new conceptualisation of war from a philosophical perspective, which may be helpful for further debates and conceptual clarification. In doing so, I will proceed in three steps. First, I will look at what the point is of having a concept of war and from this determine the requirements for such a concept.
Second, I will have a brief look at some of the most common definitions of war (including Hobbes and Clausewitz, and also newer ones such as that from the Correlates of War Project) to delineate the span of approaches and the criteria that are used to characterise the concept of war. In the third and final step of my paper, I will take a closer look at three of these criteria: Should we see war as a state, act or event? Is war something that can only be carried out by States? How can we measure the intensity of a conflict? I shall discuss whether the proposed approaches and criteria can be maintained or have to be customised or left aside to satisfy the requirements developed earlier.

MARK MANOLOPOULOS

The Dirty Hands and Pure Hearts of Revolutionary Leaders: Love and Hate in Jesus and Che Guevara

While the wrongdoing associated with the individual’s propensity for it may be difficult/impossible to eradicate, we perhaps have a greater chance to minimise structural wrongdoing, exemplified by systemic crises (financial, ecological, and so on). Hence, what may be required is radical structural transformation – i.e., revolution. Therefore, the question of revolutionary leadership arises. The present work examines one dimension of such leadership: the leader’s love, which is paradoxical, as it involves both a “pure heart,” i.e., goodness, compassion, etc., and “dirty hands,” the capacity to carry out acts which may be deemed unethical according to an ethics of non-violence.

The paper explores the “pure hearts” and “dirty hands” of two exemplary leaders in this regard, Jesus and Che. Given that Jesus is not conventionally construed as a “revolutionary leader,” I show how his words, teachings, and deeds confirm this categorisation. Drawing on the work of Slavoj Žižek, the key points of reference in this regard are the Nazarene’s perplexing demand to “hate one’s family” and the so-called “Temple Cleansing”; I also recall Che’s simultaneous confirmation of “great feelings of love” and “relentless hatred of the enemy” (Che’s words). Hence, the paper’s ultimate aim is to problematise and reject any simplistic, automatic, indiscriminate rejection of the “dirty work” that is carried out by revolutionaries, and to critically affirm and praise the acts of those loving revolutionary leaders and their followers who have “dirty hands” and “pure hearts.”

MAX GABRIEL CHEREM

Due process and Refugee Human Rights: Against the unilateral right to exclude

My argument is clarificatory and critical. It clarifies the extent to which, at least at a conceptual level, states may permissibly approach the margins of ‘vicarious dirty hands’ through such schemes and then locates precisely what is wrong with these schemes in their current form.

I first argue the philosophical literature on immigration often views refugees through an unhelpful “humanitarian” lens that mistakenly dismisses the current definition of a refugee as overly restrictive. I clarify and partly defend that definition. Second, on this basis I offer a new argument against recent proposals that support a legitimate state’s right to unilaterally exclude refugees by relying on “protection elsewhere” schemes.

To preview my main points: arguments like Wellman’s tacitly rely on a widespread yet mistaken “humanitarian” model of refugee protection that itself presupposes a tendentious account of due process rights—an account that supposes due process rights derive their value from accuracy rather than fairness or dignity. If we adopt a more nuanced conceptualization of refugees we can clearly see the role due process rights play in respecting their rights. Moreover, even if we set aside these concerns worries remain. While it is, arguendo, in theory permissible for a state to outsource its protective duties to irregularly arriving outsiders it may not do so unilaterally for two reasons.
First, a state has (partly internationally defined) adjudicative duties towards irregularly arriving outsiders under its control that are conceptually and procedurally prior to any protective duties. Second, if an outsider is a refugee then their protection cannot be contracted out anywhere. Legitimate states can only contract among one another, and even then rights protections must be functionally equivalent.

JAI GALLIOTT

The Asymmetry Objection

The game of chess has long been seen as a simulacrum for political and military confrontation. Whilst clearly a mega-metaphor, it embodies a conception of a very particular type of war and, moreover, a conception that has great deal of significance for our moral assessment of unmanned systems. When we think of chess, we imagine equally configured forces ready to engage in a perfectly symmetrical contest. Each side has clear and distinguishable uniforms. The battle is regulated by robust rules that stipulate how the conflict is to be commenced, conducted and terminated. As David Rodin argued in his exploration of the ethics of asymmetric conflict, this image reflects a moral assessment of war in two ways: first, it gives us the idea of war as a fair fight between two combatants; second, because the battle is isolated from all non-combatant elements, it accords with our sense of justice in war by limiting the risk of harm to those directly involved in the conflict. However, as he also points out, there are forms of war that do not embody the sort of symmetry and equality that characterises the contest that is chess. As modern history confirms, war all too often diverges from the chessboard image of war and it is the argument of this paper that when the degree of divergence reaches a critical point, we begin to experience serious difficulties in interpreting and applying just war theory. More specifically, it will be argued that unmanned systems generate a morally problematic ‘radical asymmetry’ that sets justice and fairness in conflict or competition with the aims of drone wars. The paper begins by clarifying the concept of asymmetric warfare and, in seeking to call into question the legitimacy of radically asymmetric conflicts, it then focuses on the contrasting views of Strawser and Suzy Killmister. Finally, it will be demonstrated that unmanned warfare challenges the traditional understanding of combatant status and perhaps even the nature of war.

ELISABETH SHAW AND PHILIP WRIGHT

Fostering ethical maturity after transgression – an innovative approach

To be considered a Profession there is a bargain struck with society. To enjoy privileges such as exclusive right to practice and self-regulation, a Professional must act to the benefit of society as a whole. Ethical conduct in practice is foundational to what it is to be in a profession. This is a requirement to be ethical as well as act ethically. Professionals will have attended some form of training on rules and conduct, and professions/organisations have ethics codes and codes of conduct that provide guidance for service. Despite knowledge, training and good intentions, transgressions still occur. For many of the professions, dealing with transgressors has been complex and fraught with difficulty: How can the public be protected and the professional rehabilitated?

In this paper we will look at the published literature on transgression and working with transgressors, and what might constitute effective intervention as a point of comparison to common current practices within the field. We will note the development of various instruments that may be used for explanation of an individuals’ moral behaviour and hypothesise whether such instruments have a role in the development of a normative model of behaviour. We will also introduce the approach provided by the St James Ethics Centre through “Ethics Counsel”, an innovative program delivered by both presenters for the Centre that combines a diverse range of consulting, leadership, learning and development and counselling work, with a view to remedial intervention as well as ethics leadership.
RONALD D. FRANCIS

Moral dilemmas in migration policy

The formation and execution of migration policy in Australia is fraught with difficulties. Among such dilemmas are those of racism versus ethnism, treatment after arrival, and benefits to the host country. It also includes such issues as permitting the formation of enclaves (or ghettos), the importation of ancient hatreds, and positive quality of fostering the community/national spirit (including a requirement to learn English).

Among the issues to be canvassed is that of the Racial Discrimination Act of 1975. In Section 18C (1b) of that act it conflates racism with ethnism. While it is recognised that there is no sustainable argument in favour of racism there can be debate about ethnic ways. For example, teaching children to hate other national groups, the practice of gang-rape, and of rebuffed would-be suitors who throw acid in the faces of the young ladies who have rebuffed them. There is nothing at all admirable about such ways. They are not only totally unacceptable but the latter also constitutes a serious criminal offence.

There are dilemmas aplenty in migration policy, they include people’s wish to leave a country, their wish to make Australia home, the moral condemnation of the tyrants who drove them away from their own country, and responsibility of the government to the Australian electorate. The dilemmas of policy usually involve a mantra such as ‘stop the boats’, or ‘allow them in’, or ‘economic growth at any price’.

From this it is clear that any immigration policies should, and must (for example), take into account the wishes of present citizens, of the economic well-being of the country, and the disposition of immigrants. To have a policy based on one issue is, it is argued, totally counter-productive. The value-dilemmas of migration policy must be considered as whole in order for rational decision-making, and good order to prevail.

MATTHEW BEARD

Supreme Emergencies and the Soul of the Antihero

In a recent defence of President Truman’s infamous authorisation of nuclear strikes on Hiroshima and Nagasaki, Wilson D. Miscamble calls for the moralising of that decision to end, and to replace judgement with “some empathy for the man who felt required to make the decision and who carried the burden of it.” Although Miscamble correctly identifies the moral burdens of political leadership, there is also a sense in which Miscamble’s defence of Truman glamorises him as the antihero with the moral courage to do what is right, even at the expense of his own private morality.

Supreme emergencies are postulated as cases in which a political leader is duty-bound to sanction conduct in violation of morality. Thus, the political leader is required to transgress against prima facie moral principles based on the demands of necessity. However, there has been a substantial lack of attention dedicated to the moral and psychological implications of such transgressions on the private flourishing of the political leader. Drawing on insights from scholarly literature regarding the moral and psychological trauma of military veterans, I will argue that political leaders faced with Supreme Emergencies are faced with consequences that threaten to decimate their own private opportunities to flourish as human beings.

I will not speculate on whether such consequences amount to an absolute prohibition against transgressing in supreme emergency cases. I will, however, argue that a full appreciation of what political leaders hold personally at stake in such matters will make it less likely than any leader would accept those costs.
LEILA TOIVIAINEN

*Can moral resilience be taught? Can Gandhi and the Stoics offer advice on health care ethics?*

Moral distress in nursing is well documented. Gustafsson, Eriksson, Strandberg and Nordberg’s research demonstrates that burnout of nurses is particularly prevalent amongst “personnel working in psychiatric and elderly care units... [They] have been found to be exposed frequently to demanding situations that require moral sensitivity, which is closely related to conscience.” Nurses are under pressure to conform to one set of less than ethical standards while being aware that this is in conflict with what they regard as morally right.

This paper is inspired by two recently published works that suggest solutions to how moral distress in aspects of health care may be overcome or at least alleviated. In a recent Nursing Ethics article Settimio Monteverde proposes that development of moral resilience should be “an overarching goal of undergraduate healthcare ethics education” because it can bridge the gap between the formal and informal ethics curricula.

Richard Sorabji in his 2012 book *Gandhi and the Stoics: Modern Experiments on Ancient Values* shows how Gandhi and the Stoic philosophers can teach us how to live well. They argue that we cannot have universal ethical rules but that moral advice needs to be adapted to particular circumstances. I maintain that in this they, as well as Monteverde, are correct.

STEPHAN MILLETT AND ALAN TAPPER. PRESENTER: ALAN TAPPER

*On the coherence of the concept of a profession*

Definitions of the concept of a profession are readily encountered in the literature on professions. In this paper we summarise a sample of such definitions. After summarising what we find in this sample, we will raise a number of questions. How much agreement about the notion of a profession is there in this sample? Can we make sense of the concept at some more general level? And, finally, where does professional ethics fit into this picture? The paper is a first attempt to mark out some issues. We adapt the work of three philosophers towards this end. Julius Kovesi gave an account of what he called the ‘formal element’ of concepts. What, we ask, is the formal element of the concept of a profession? That is, what is the basic principle that gives the concept coherence and point? John Searle has shown how social concepts operate in constructing what he called a social institution. We ask whether professions might be seen as institutions, in Searle’s special sense of the term. Alasdair MacIntyre introduced the idea of a social practice, involving ongoing social cooperation and internal goods. We ask in what way might professions be seen as social practices? Do professions incorporate internal goods? Finally, we go back to our sample of the literature on the nature of professions, looking again at the definitions in the light of these philosophical contributions.

ALISTAIR PING

*Why Good People Do Bad Things*

Good people do bad things and, as the saying, goes “the road to hell is paved with good intentions.” But is it possible to become aware of the pitfalls that cause ‘good’ people with good intentions to create bad outcomes? Research shows that there is a distinction between Ethics in Theory and Ethics in Action that traditional thinking – and mainstream philosophy - fails to bridge.
This paper applies existentialist philosophy to the field of ethics and presents a theory for Moral Intent that uses intrinsic values to create existentialist boundaries around intended outcomes. Moral Intention Theory proposes that the critical element of creating ‘good’ outcomes is ‘good’ moral intent and that the rationalisations and moral justifications that ‘good’ people use act to neutralise the very intrinsic values that ‘good’ people seek to empower. Instead of teaching people more Ethics theory, this paper proposes instead that we should be teaching people how Ethics works in Action and how to define and enact good Moral Intent.

THANK YOU!

Thank you for attending the 21st Annual Conference of the Australian Association for Professional and Applied Ethics.

We hope that you enjoyed your time with us, and we look forward to seeing you in 2015!