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Radical Decency Reflection #4
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A Perspective on Morals and Ethics

I have always been troubled by what passes for moral and ethical guidance in our culture. I remember leaving Church at 15. The minister said “love thy fellow man.” But I remember thinking, it’s now 11:30 am on Sunday and he didn’t say a single, really useful thing about how to do that between now and next Sunday at 10 am when Church reconvenes.

In my 20s I joined a profession with an elaborate Code of Ethics – the law. And to this day I attend ethics seminars to maintain my license. These classes are deeply demoralizing. The standard approach is to tell us what the rule is and how close to the line we can get without risking sanctions or a malpractice lawsuit.

I have no problem with a socially agreed upon set of moral standards. Some actions need to be encouraged; others socially prescribed. But moral and ethical guidelines need to be rooted in a larger, coherent vision of how we should live. Absent such a vision to inform their creation and application, moral and ethical guidelines will inexorably morph into tools that promote the implicit values that pervade our culture – control, domination, material self-aggrandizement.

Here is one (of many possible examples) from the legal profession.

A cardinal – and very sensible – rule of the profession is to avoid conflicts of interest. If one defendant seeks to assign blame to another defendant, a single attorney should not represent both. But to truly guide attorneys to a more ethical vision of their work (what a novel concept!), we need to come to grips with all of the implications of the rule.

One of its inevitable consequences is that lawyers’ fees multiply: Two attorneys, not one, at every deposition and hearing. And since most lawsuits are all about money (the standard recompense in civil lawsuits), you would think that the Code of Ethics would deal with these financial implications.

But, it doesn’t. Why? Because the result is wonderfully convenient for attorneys: More lawyers employed, more fees generated. And not surprisingly, this “unintended consequence” is all too common in the profession’s Code of Ethics (e.g. “represent your client zealously” condones/demands over lawyering).

What makes it worse is that the Code of Ethics could easily deal with these financial issues. Suppose hourly billing – without adequate safe guards – is deemed to be unethical since it very clearly puts the attorney’s and the client’s economic self interest at odds. Impractical? Impossible? Not at all. One simple safeguard would be to require attorneys to estimate overall cost in advance and, if that number is reached, reduce future

hourly billings to cost (usually about 65% of the normal fee). If an intent to grapple with this issue existed, guidelines such as this could be easily crafted. But don't expect the ABA's Board of Governors to take this issue up any time soon. The true bottom line of the legal profession's Code of Ethics is not legal ethics.

The same theme exists in the code of ethics that governs my new profession, Social Work. For example, clinicians are enjoined not to disclose personal information to clients. Like the legal example just discussed, this is an important area in which to offer ethical guidance. But a simple "rule against" falls far short, since it fails to account for the times when self-disclosure can be a powerful tool of healing and growth. Once again, the deeper, unspoken theme is to protect the professionals -- in this case by giving them license to avoid emotionally challenging engagements with their clients.¹

Finally, I want to focus on adultery as still another area where moral rules, not grounded in a larger vision, exact a heavy price.

A very typical example – the one I deal below – is the intimate the partner who, after 20 years of marriage and fidelity, has an affair. Our cultural norm is to condemn the affair-partner. He is irresponsible, a cheater, a liar, a bad guy. So when the couple comes to me, he is wracked with guilt and she is deeply aggrieved.

My point is not to judge these reactions. They are sensible and expectable. But our simplistic and unthoughtful approach to morality – sex outside the marriage equals adultery equals bad – obscures so much else. It is an invitation for the couple to stay stuck – and in pain.

One very important reality that the couple, in my example, can easily lose sight of is the fact the affair partner is actually a good guy, highly responsible and committed to his wife. Why do I say this? Because I have 20 years of evidence – of fidelity and commitment – to back me up. This does not negate the fact that his behavior grievously damaged the couple's intimacy and trust. But their healing would be better served if they could fearlessly judge the act, separate and apart from the actor. Unfortunately, our received moral precepts obscure this vital distinction (Recall President Bush condemning "the evil do-ers" rather than terrorism).

Another crucial issue, obscured by the couples' "good guy/bad guy" mindset, is what drove him to the affair. In my (very common) hypothetical, the affair partner did not enter into the extra-marital relationship lightly. Emotional forces he only dimly understood drove him to it.

Living is complicated, and living intimately with someone else multiples those complications. It is the rare (maybe nonexistent) couple that doesn't accumulate hurts, and unexpressed needs and frustrations, as the years go by. So often, an affair is an inept and ill advised attempt to break out of a painful but deeply entrenched pattern of

¹ Personally, I am grateful for the reasoned guidance I received in this area during my 3 years of study at the Gestalt Therapy Institute of Philadelphia.

behavior. And since relationships are systems, the great likelihood is that both partners – in the time leading up to the affair – were coping with unresolved pain.

Given this reality, going back to the way things were is not a good choice. Better to look at the affair as a potential turning point – a time when long standing issues can surface and be dealt with in a more satisfactory way. Once again, however, our standard moral precepts do not lead the couple in this direction. The more likely outcome is divorce (get rid of the cheating bastard) or an extended period remorse followed, as the pain recedes, by the re-emergence of their old ways of doing things.

One last thought. Radical Decency – by focusing inclusively on decency to self, others, and the world – is designed to offer precisely the kind of larger vision that can lead to moral standards that are more supportive of our most just, equitable and humane instincts. Applied to professional ethics it would maintain focus on the full range of collateral consequences for all parties, including clients (and society as a whole). Similarly, it would guide our couple in crisis to a fuller consideration of the implications of the affair on the future emotional well-being of the husband, the wife, and the couple as an entity.

When it comes to deepening our ethical insights, and crafting wiser choices, Radical Decency can support us in doing better – a lot better.