


Newsletter: The Center for Professional Ethics, Winter 1991

Case Western Reserve University

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The
Center
for
Professional
Ethics at Case Western Reserve University

NEWSLETTER

WINTER 1991

THE DIRECTOR'S CORNER

by Robert Lawry

Fred Friendly, producer of the PBS series, Ethics in America, is fond of quoting former Justice of the Supreme Court Potter Stewart's remarks about the profession of journalism.

"The trouble with your profession," Stewart said, "is that it is confused about what it has a right to do...and the right thing to do."

That confusion between the two meanings of the word "right" extends beyond any particular profession in America. All of us are prone to the same confusion because we instinctively believe law ought to have a moral base; and when we talk constitutional law in this country, lawyer as well as non-lawyer often become ministers of a civil religion, preaching from the pulpit.

During the fall semester, the Center focused two Monday Night Dialogue Forums upon issues concerning the two rights. In the first Forum, we discussed the implications of the Supreme Court's recent decision in the Cruzan case. Nancy Cruzan had been in a persistent vegetative state. Her parents wanted to have all medical care withdrawn, including tubes that carried necessary food and hydration into her system. Withdrawing these tubes meant she would die. The State of Illinois refused to allow her doctors to order the withdrawal of care unless Nancy Cruzan herself had previously clearly indicated this was her

wish. The Supreme Court said that Illinois could mandate such a prior consent consistent with the constitution. The Court also indicated that no state had to have such a mandate.

Moral questions abound when situations like Cruzan present themselves to us. The value and very definition of life is implicated. Moreover, who should make decisions concerning life and death? What criteria should be used? Complex and fundamental as these issues are, we should not be confused by the legal right to have a feeding tube removed and the moral "rightness" or "goodness" of the decision itself. All the Supreme Court said in Cruzan is that the constitution does not dictate to states the precise public policy states may enact into law to handle the narrow issue of who may decide whether to withdraw treatment of a patient in a vegetative state and what conditions may be necessary for that decision to withstand legal challenge. It seems to me it would not be immoral for a state to choose as Illinois did in order to make very sure individual autonomy was carefully protected. However, if I were in a state legislature, I would not vote for such a law because I think it is bad public policy. I think health care professionals and families can and do make decisions in these kinds of cases which are usually sound, sensitive and more in conformity with the common

News & Notes Continued

Position Open: Pending funding approval, Indiana University seeks a research scholar in ethics who will serve as **Executive Secretary** of the newly formed Association for Practical and Professional Ethics. **Duties** will include organizing and stimulating the new Association's research agenda; carrying out research of his/her own in collaboration with the Poynter Center; recruitment of a dues-paying membership; fund raising, including grant writing; planning and running an annual meeting; establishing, editing and publishing a newsletter; representing the Association to various constituencies; and other related tasks. **Qualifications** include a terminal professional degree; demonstrated expertise in writing and teaching about professional ethics; administrative abilities essential and administrative experience highly desirable. Inquiries should be made to David H. Smith, Poynter Center, Indiana University, Bloomington, IN 47405; (812) 855-0261. Application material should include a current vita, three letters of recommendation, and a short (less than 50 page) published sample of professional writing. The deadline for applications is **February 1, 1991**.

Position Available: The University of Wisconsin - Madison is accepting applications for a position at the **assistant/associate/full professor** rank. The starting date is August of 1991. **Teaching responsibilities** include "Political, Ethical and Legal Environment of Business" (a required MBA course) and at least one other required MBA course: "Business Strategy & Policy," "Innovation & Technology Management," or "Managerial Economics." A strong research orientation in social performance and business ethics is encouraged. The "Political, Ethical and Legal Environment of Business" course focuses on basic political, ethical and legal principles and their application to the social control of business. Further, it examines the nature of business behavior within, and its effects on, these environments of business. **Qualifications** for the positions include a doctorate in Business, Philosophy or a related discipline. Some training, and business theory is essential. The candidate should be willing to contribute to the development of an interest group in the area. Applicants are expected to have a strong commitment to both research and teaching, and a demonstrated commitment to the field. Letters of Application along with curriculum vitae should be sent to: Denis Collins, Graduate School of Business, University of Wisconsin - Madison, Madison, WI 53706; (608) 263-3922.

Position Open: **Director** of the Center for Ethics, Responsibilities and Values at the College of St. Catherine in St. Paul, Minnesota. The College of St. Catherine was founded in 1905 by the Sisters of St. Joseph of Carondelet and is the third largest women's college in the U.S. The College seeks an energetic individual with diverse talents to direct its Center and to move this six-year-old Center into a new stage of development. **Major responsibilities** are: to expand the Center's activity by developing, and helping to deliver, programs and consultation for external organizations on ethical issues; to develop a resource group of faculty who will deliver programs on ethical issues within their professional fields; and to oversee the new Associate Director's work with faculty and students on curricular and co-curricular programs relating to ethics and values. **Qualifications** for the position include knowledge and experience in ethics, applied ethics, organizational and professional development, organizational behavior and student development; the ability to work effectively with faculty from diverse disciplines; research capabilities; excellent communication skills; and an advanced degree (doctorate preferred). Send letter of application, curriculum vitae, and names of three references to: Dr. Anne Swanson, Associate Academic Dean, College of St. Catherine, 2004 Randolph, St. Paul, MN 55105.

"DOING ETHICS!"

ETHICS IN THE MILITARY: CONFIDENTIALITY

In wartime soldiers are under enormous pressure. Sometime - rarely we hope - they succumb to the forces around them and commit acts of carnage, atrocities like the massacre at My Lai. When a chaplain hears a soldier's confession and the soldier tells him of an atrocity, is the chaplain required to keep that confidence? Or do the interests of military justice take precedence?

The Hypothetical Case:

Six American soldiers have been seized by villagers and are being held somewhere in the area. Our unit seizes several soldiers reliably identified as guerrilla fighters of the same group. They probably know where the prisoners are. Attempts to get information about the Americans has been futile. Later that evening our unit hears rumors that all the captured Americans were killed. Another attempt to get information from these people suspected of killing Americans is made. No techniques of torture were used. However, a lieutenant, in company with an enlisted man, has taken it upon himself to shoot the captured villagers, or guerrillas, one after another, until they agree to tell him what he wants to know.

All the victims are shot, so there are no sure witnesses, at least not in the immediate area. Lieutenant and private return to camp. The private (GI Joe), terrified at the events in which he has played a part, seeks out the chaplain, and asks to go to confession. He tells the whole story to Chaplain Tatum. Will the Lord forgive him? "Certainly," Tatum assures him, "but you must go at once to the military authorities and turn yourself in and tell them this story, for this is a serious violation of the Rules of Land Warfare." Joe finds those instructions much too difficult to follow, and fades back into the camp. Now what is Tatum's responsibility? Should he go to the authorities?

General Scowcroft, who is in charge of the base, is worried about the rumors of a nasty incident, in which innocent civilians were shot. He has reason to believe that Chaplain Tatum knows something about the incident. Should he approach Tatum and ask for information? And should he remind Tatum that part of penance is the obligation to set the situation right, and that he shouldn't tell a penitent that God will forgive him if he won't set it right? What if General Scowcroft overhears the confession? Should Scowcroft use the information at a court-martial?

Another question arises: Can the institution itself (the Army) live with what the lieutenant did? Can the institution survive, and command the allegiance of the next generation?

© Adapted from *Ethics in America Text/Study Guide* by Lisa H. Newton, Prentice Hall, Englewood Cliffs, NJ, 1988.

COMMENTS ON THE "MILITARY ETHICS" CASE

by The Rev. John L. Brown

The burden is upon the consciences of Joe and the Lieutenant. Chaplin Tatum is forbidden by ministerial privilege to "fink" on the confessor. Violation destroys the chaplaincy and the next generation has no place to seek help in confidence.

Tatum appears to have linked forgiveness with confession to the authorities, correctly discharging his duty. Scowcroft can go to Tatum with his own concerns, but Tatum is not required to report the confession of Joe; he is forbidden to do so, and Scowcroft knows this. Tatum knows already that Joe should confess and said so, so his chief burden is keeping a straight face if Scowcroft offers advice on who should be told they are forgiven and under what circumstances. The confession by Joe should have been received only under strict confidential conditions. If Joe warned Tatum his imminent confession was very confidential, Tatum should have assured that no officers' ears lurked nearby. If Scowcroft snooped or "bugged" the Chaplain's tent or office, then he sinned, also. If however, Joe talked loudly in a semiprivate setting, Scowcroft will have to decide whether to use the information in testimony, in a court of law, if it were admissible at all.

The Army loses credibility when it commits atrocities. Human beings sometimes fail, but the Army muddles through. The truth will eventually come out, but it should not be the undoing of professional confidentiality in the Chaplaincy. Joe, not Tatum, must confess. It is apparently too difficult for "Lt. Callous" to take responsibility for his own actions.

(The Rev. John L. Brown is employed at the Berea Children's Home and Family Services in Berea, Ohio.)

In response to Bob Lawry's column on "Ethical Wills" ("Legacies," Fall 1990), a member of the Center, Diane Mandel, sent us the following article and obituary from the Akron Beacon Journal (10/16/90 & 10/18/90).

DOROTHEA KENNEDY: Dorothea Kennedy, 82, died on October 12, 1990 at Rockynol in Akron, Ohio. A lifetime Akron resident, Mrs. Kennedy was born on February 23, 1908. She graduated from Akron University. She was a P.E.O., Chapter P enthusiast. She was a great card player, and consistently beat the pants off her family in everything from Slap Jack to Bridge. She dearly loved Akron and didn't want to leave, even when her son, Jim, of San Francisco, and daughter, Diane, of San Diego, wanted to stake her at the tables in Las Vegas. She gardened and golfed, smoked a cigarette a month and told jokes, some off color. She loved spring flowers, the Indians, her Akron friends, big family meals, her husband and Bridge Club. She abhorred dirty movies, vandals, talking badly about others, and insensitive people. She proved there is life before death. Her children will miss her, as will her five grandchildren and host of friends. Some of those mentioned will gather to celebrate her life at Rockynol, at 3 p.m. Saturday, October 27. No flowers. She can't enjoy them. Instead, donations are suggested to the American Diabetes Association for her grandson, a new diabetic.

POSTSCRIPT

DEATH WITH DIGNITY — AND HUMOR

I never knew the late Dorothea Kennedy, who died recently at the age of 82 in a local senior citizens home, but I wish I had. She must have been a special person.

All of us wonder, and worry, about how we will approach the end of life. The fact of death seems so, well, final.

Perhaps it did not seem so foreboding to Dorothea Kennedy, who apparently was too busy enjoying life to spend much time worrying about dying. At least, that is what can be surmised from her delightful death notice that ran in Tuesday's paper. It was only four inches long, but here, in part, is what it said about her:

She was a great card player, and consistently beat the pants off her family in everything from Slap Jack to Bridge. She dearly loved Akron and didn't want to leave, even when her (children) wanted to stake her at the tables in Las Vegas.

She gardened and golfed, smoked a cigarette a month and told jokes, some off-color. She loved spring flowers, the Indians, her Akron friends, big family meals, her husband and Bridge Club. She abhorred dirty moves, vandals, talking badly about others, and insensitive people.

She proved there is life before death.

What a wonderful outlook on the world and life. What joyous memories she must have left for her family and friends.

A member of her family is said to have written her obituary. I suspect she would have liked it, might even have encouraged it along. I can hear her telling her family what she'd like in her death notice, and chuckling as she did. The fact that it was written by someone in her family shows that she obviously transmitted much love and happiness to others.

Dorothea Kennedy understood that part of living is taking time to smell the flowers. She must not have let petty annoyances interfere with the day-to-day glories of life.

In death, through her obituary, she reminded us again about the joy of living. In departing she has left a gift, to those of us who did not know her.

Thank you for that, Dorothea Kennedy.

-- David B. Cooper
Associate editor

MEMBERSHIP

While the Center is largely underwritten by grants, membership income is required to enable the Center to meet its operating budget. Members are invited to participate in the Center's planning activities. If you would like to make a membership contribution, which is tax-deductible, please fill out the Membership application on the back of this Newsletter. The Center thanks you for your continued support.

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