

*Marvin Kohl's review of Allan Goldmah's
Moral Foundations of Professional Ethics,
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ALAN H. GOLDMAN, *The Moral Foundations of Professional Ethics*, Totowa, N.J., Rowman and Littlefield, 1980, xi + 305 pp.

This challenging book raises questions concerning professional ethics, human rights and the nature of meta-ethical theory. One central question unifies the book: To what extent do professionals permissibly operate within different moral frameworks? That is to say, to what extent

can an actual professional code of ethics differ from the general moral code?

Goldman outlines his own meta and moral theory and then proceeds to evaluate judicial, legal, political, medical, and business professional ethics. After analyzing arguments that attempt to justify professional codes that differ from the general rule of morality, he concludes that the codes of the ordinary lawyer, politician, physician, and businessman are not so privileged. Only the judiciary is entitled to depart from the direct and immediate constraints of morality. The analysis of the judiciary is largely consequentialistic. When it comes down to the choice between the principles of moral right and professional right, the text appears to be the long range consequences in terms of protecting the moral autonomy of the individual and respect for the profession in question.

The key issue here is whether Goldman can accept a modified consequentialism when it comes to the judiciary and then consistently speak about the fundamental and nearly absolute right of self-determination when analyzing other professions. For example, why does he *not* conclude that because of the need for consistency, the impossibility of making well-informed moral decisions, the human ideal of protecting life and health, the function of a negative utilitarian rule of medicine, and the moral infallibility of all humans—physicians like judges ought to, therefore, subordinate their moral judgments to the medical requirements that specify their institutional duties? And even if his analysis of the judiciary proves to be consistent with his analysis of other professions, how can he claim that autonomy is *independently* valuable? How can a modified consequentialist, if we can call it that, hold that "we value the exercise of free choice itself in personally important decisions, no matter what the effects of those decisions upon other satisfactions"? (188; emphasis added).

Despite Goldman's insistence that his own views are sharply different from those which harbor traces of crude utility, he nowhere defines clearly the precise difference between utilitarianism and his own theory of rights. He seems to be adding up something. If it is not satisfaction, then what precisely is it that enters into his calculus? He seems to think that by claiming to have effectively combined want-regarding and ideal-regarding theories, he has settled the matter. But what Goldman means by such a combination is obscure to me. If, as he insists, the truth of relativism suggests that values originate in the distinct valuations of persons with goals and desires, then it seems as if he either should be committed to a want-regarding theory or must back-off from his purported relativism.

There is another question, namely, the extent to which ideal and want-regarding theories may be successfully combined. If it is empirically true that most human beings hold individual autonomy to be their preeminent value, then Goldman should have little difficulty combining these kinds of theory. But what if most human beings do not want, first and foremost, to protect their autonomy but want to protect their lives? What if, as the evidence indicates, the primary value of human beings the world over is to preserve their life, to protect those things without which an individual cannot continue to function physiologically—for example, food, clothing, health care, and shelter? If this is the case, then Goldman's combination of want and ideal-regarding theory is, at best, precarious.

Nor is it at all clear how one can hold that human beings have the right to have basic needs met and almost in the very same passage insist that there must be moral space for individuals to pursue their own projects and plans of life—without explaining how this balance can be achieved. Goldman writes about this synthesis as if Marxist critiques did not exist, and, as if the history of liberalism were the history of the successful protection of basic needs and liberty. Now I am not suggesting that such a synthesis is impossible. I am suggesting that a viable form of liberalism, especially contemporary liberalism, must provide a mechanism which will protect both areas of need and that Goldman fails to specify what that mechanism is.

I should confess my inability to accept Goldman's form of liberalism, specifically the doctrine that "the autonomy of the individual is more fundamental than the particular good he enjoys or harms he may suffer" (164). At the heart of this matter is the contention that autonomy is, as a general rule, more precious than life itself. *Contra* Goldman, life is generally the primary

good. I do not wish to suggest that the protection of life is alone enough to produce a good human being; undoubtedly other things are necessary. But I do suggest that the protection of life is one of the most important things to aim at, and is, generally, the more fundamental value. A further word or two of explanation. Goldman is correct in saying that "living has meaning and value for the individual only in terms of his capacity to plan, act, desire and value" and that "when these capacities are lost, the value of continuing to live is lost as well, and death is no longer an evil" (183). But what follows from this is—not that autonomy is the fundamental good but—that life and meaningful life are the two fundamental goods, and that life (at least in a causal sense) is, as a general rule, the more primary one.

While I do not agree with Goldman on some major points, I think he has written an important book. He shores up, often brilliantly explicates, the intuitions of those liberals who hold that self-determination is the fundamental good and the nearly absolute right. He reminds us that the professions tend to confuse self-interest and consistency-with-tradition for genuine moral considerations. Most important, he attempts to combine a rights theory with a preferable form of consequentialism. Whatever may be the shortcomings of this approach, it reflects a kind of courage that will be appreciated by all who cherish boldness of vision in philosophy.

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