

Do We Need to Talk About Our Ethics in Order to Know How to go About Teaching Ethics?

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What do I mean by “*our* ethics”?

As Legal academics

Legal: professions; autonomy of law; legal services (market/access to justice); liberal democracy

Academics: educators; researchers; embodiment of the discipline; consciousness of the professions

Educators: serve the needs of the learner or align practice with the interests of the student

Carter Goodwin Woodson, *The Mis-Education of the Negro*

“The thought of the inferiority of the Negro is drilled into him in almost every class he enters and in almost every book he studies.”

(2008) Wilder Publications, Blacksburg VA p. 8

“The problem of holding the Negro down, therefore, is easily solved. When you control a man’s thinking you do not have to worry about his actions. You do not have to tell him not to stand here or go yonder. He will find his ‘proper place’ and will stay in it. You do not need to send him to the back door. He will go without being told. In fact, if there is no back door, he will cut one for his special benefit. His education makes it necessary.”

(2008) Wilder Publications, Blacksburg VA p. 5

Are we forced to be practical?



- Howard Law School
- Charles Houston
- Thurgood Marshall
- Counsel in *Brown v Board of Education of Topeka*
- Justice of the Supreme Court

Charles Houston

“Charles Houston set out to teach young Negroes the difference between what the laws said and meant and how they were applied to African Americans. His avowed aim was to eliminate that difference.”

Kluger (1975) reissue (2004) p. 126

“He was hard crust ... First off you thought he was a mean so-and-so. He used to tell us that doctors could bury their mistakes but lawyers couldn't ... He was so tough ... He was absolutely fair, and the door to his office was always open. He made it clear to all of us that when we were done, we were expected to go out and do something with our lives.”

Thurgood Marshall quoted in Kluger at pp. 127-128

Nussbaum: Cultivation of Humanity

“Three capacities, above all, are essential to the cultivation of humanity in today’s world. First is the **capacity for critical examination of oneself** and one’s traditions – for living what, following Socrates, we may call ‘the examined life’ ... further, an ability to **see themselves** not simply as citizens for some local region or group but also, and above all, **as human beings bound to all other human beings by ties of recognition and concern** ... The third ability of the citizen, closely related to the first two, can be called **the narrative imagination**.”

Nussbaum Cultivating Humanity: A classical defense of reform in liberal education (1997) at pp. 9-10

What do I mean by “teaching ethics”

“The educator will not countenance a habit of finagling or lying or taking opportunistic advantage of others, since these things generally diminish **the agents well being**. We should educate people for whom we care into the **habits that are most likely to benefit them**, and on this account, these will be the paths of virtue. Generally speaking people will **do well by doing good**, or at least by avoiding doing bad.”

Simon Blackburn Ethics: A Very Short Introduction, pp.97-98

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“The central commonplace that I want to insist on is the very great importance that we attach to the attitudes and intentions towards us of other human beings, and the great extent to which our personal feelings and reactions depend upon these attitudes and intentions.”

P. F. Strawson, *Freedom and Resentment in Freedom and Resentment and other essays* (2008) Routledge, Abingdon, at p. 5

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“I’m no saint, and I’m not trying to be a saint. But I am worried about becoming something worse than a sinner – a guy who has lost his **integrity**. I feel myself **slipping into bad habits** – the way I treat people, and the way I’m starting to rationalize what we do in the office. I’ve not violated any laws, only a code of behaviour which used to be a law for me: that I be polite and considerate of others, and that I not be used by people whose values I don’t respect. I’m being used by anyone who can purchase my time – and to be honest, some of my clients are awful people ... **I’ve become a real sharp lawyer!**”

Quoted by Robert Coles, The Call of Stories: Teaching and the moral imagination (1989) at pp. 136-137

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Q. If so: Why?

A. Because ethics teaching is about more than knowledge transmission.

Q. If so: Can we hope for agreement?

A. On the centrality of the student or learner to the **educational** project.

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Q. Can we prioritise the student or learner in the academic project?

Q. If so: Should we prioritise the student or learner?

Q. If so: How can we prioritise the student or learner?

Q. Are these the right questions to be asking?