ETHICS: DEFINITION, SCOPE, NATURE AND OBJECTIVES
School of Law
Course Code: BBL913
Course Name: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations

Topic covered

- Introduction
- Meaning
- Definitions
- Objectives
- Nature of Ethics
- Ethics and Morality
- Difference Between Ethics and Morality
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Introduction

What morality requires from us is often seen as the core question that ethics has to answer. However, there are other questions of similar importance, such as: Why be moral? How moral can we be in a non-ideal world? Are we moral by nature? Are moral judgments true? Such questions cannot be avoided when we confront the problems of life particularly in a non-moral world. But the questions themselves are relevant in our contemporary life style. This unit makes an attempt to analyse Ethics its definition, nature and scope.

Ethics is mainly known as the principle of moral conduct that makes a distinction between good and bad/evil, right and wrong, virtue and non-virtue. The word ethics is derived from a Greek word ‘ethos’ which means “character”. It is a branch of knowledge that governs right and wrong conducts and behaviours of an individual, profession, group or organization. It is a core of the professional and personal lives of people. Different scholars have defined ethics differently. However different their definitions might be, ethics is always concerned with morality and right vs wrong and good vs evil. It is applied universally. There is also ethics in professions such as journalism, advertising, education, medicine, etc.

Ethics is the science of conduct. It considers the actions of human beings with reference to their rightness or wrongness.
Meaning

Ethics is a branch of philosophy that is concerned with human conduct. It consists in a code of conduct of human beings living in a society. Ethics examines the rational justification for our moral judgments; it studies what is morally right or wrong, just or unjust. Together, they combine to define how individuals choose to interact with one another. In philosophy, ethics defines what is good for the individual and for society and establishes the nature of duties that people owe to themselves and to one another. It aims at individual good as well as social good, the good of mankind as a whole.

Ethics is an attempt to guide human conduct and it is also an attempt to help man in leading good life by applying moral principles. Ethics refers to well based standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, or specific virtues. Ethics is related to issues of propriety, rightness and wrongness. What is right is ethical and what is wrong is unethical. The words ‘proper’, ‘fare’ and ‘just’ are also used in place of right ‘and ‘ethical’. If it is ethical, it is right, proper, fair and just. Ethics is a matter of practical concern. It tries to determine the good and right thing to do; choices regarding right and wrong, good and evil; questions of obligation and value. Ethics is to consider the practice of doing right actions or what we may call the art of living the good life.
It is also defined as the science of the highest good. *Mackenzie defines* ethics as “the study of what is right or good in human conduct” or the “science of the ideal involved in human life”.

So, it is clear that ethics is the study which determines rightness or wrongness of actions. Applied ethics is the practice of ethics that aims to guide the moral judgment governing the decisions we make in all areas of our lives. Issues of right and wrong are related to one’s values. In the context of ethics, values are our standards of right and wrong.
Definitions

Karen L. Rich defines ethics as a systematic approach to understanding, analyzing, and distinguishing matters of right and wrong, good and bad, and admirable and deplorable as they relate to the well-being of and the relationships among sentimental beings.

“Ethics is the most important and functioning branch of philosophy in today. In general, ethics is moral philosophy. The term ethics is derived from Greek term Ethos which means custom, character. It is related to our values and virtues.

Therefore, our actions and our experiences in everyday life are the subjects of ethics. We have the capacity to think about our choices, so we are responsible for all our decisions and actions.”
Mackenzie defines ethics as —the study of what is right or good in human conduct— or —the science of the ideal involved in conduct—. It is a branch of philosophy, specially the moral philosophy that studies the evolution of concepts; such as right or wrong behaviour.

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So, it is clear that ethics is the study which determines rightness or wrongness of actions. Ethics then, we may say, discusses men’s habits or customs, or in other words their characters, the principles on which the habitually act and considers what it is that constitutes the rightness or wrongness of these principles, the good or evil of these habits.

Ethics is the word that refers to morals values, and beliefs of the individuals, family or the society. The word has several meanings.
Ethics is the word that refers to morals, values, and beliefs of the individuals, family or the society. The word has several meanings.
First, it is an activity and process of inquiry.
Second, it is different from non-moral problems, when dealing with issues and controversies.
Third, ethics refers to a particular set of beliefs, attitudes, and habits of individuals or family or groups concerned with morals.
Fourth, it is used to mean “morally correct’.
The word ethics is derived from the Greek word ‘ethos’ (character) and from the Latin word ‘mores’ (customs). Together they combine to define how individuals choose to interact with one another. *In philosophy, ethics defines* what is good for the individual and for society and establishes the nature of duties that people owe to themselves and to one another.

*Ethics and legal profession often work hand in hand*. Legal profession is a noble profession. The nobility of the legal profession is maintained by the adherence and observance of a set of professional norms by those who adopt this profession. *It is known as legal ethics or the ethics of the legal profession*. The fundamentals of the legal ethics, may be defined as code of conduct written or unwritten for regulating the behaviour of a practising lawyer towards himself, his client his adversary in law and towards the court.
Objectives

The study on ethics helps to know the people’s beliefs, values, and morals, learn the good and bad of them, and practice them to maximize their well-being and happiness. It involves the inquiry on the existing situations, form judgments and resolve the issues.

In addition, ethics tells us how to live, to respond to issues, through the duties, rights, responsibilities, and obligations. In religion, similar principles are included, but the reasoning on procedures is limited. The principles and practices of religions have varied from time to time (history), region (geography, climatic conditions), religion, society, language, caste and creed. But ethics has grown to a large extent beyond the barriers listed above.

In ethics, the focus is to study and apply the principles and practices, universally.
Ethical objectives are based on the following factors:
Objectivity
Impartiality
Accuracy
Public Accountability
Fairness
Truthfulness
The objectives of ethics are to study and assess human behaviour. It is also to establish principles and moral standards of behaviour. **Ethics is not compulsory in a person’s life and it is not forced upon anyone but being ethical is one step forward towards being a good person.**
Nature of Ethics

**Scientific Nature:** Ethics is a normative science which determines norms, moral values in a person and an individual’s character. It is a systematic explanation of what is right and what is wrong.

**Not Art:** Ethics is not art as art deals with the acquisition of skill to produce objects, while morality deals with motive, intention, purpose and choice which are considered right or wrong in the light of goodness.

**Variable Nature:** Ethics is not static. It is not always the same. Human beings change and the morality and ethical perspective in them also changes.

**Exclusively for Human Beings:** Ethics can only be applied to human beings as we are the ones who have the capacity for moral judgement. We cannot expect ethical behaviour from animals, as they are not as intelligent as human beings are so ethics is exclusively for human beings.
Ethics aims at systematic knowledge. So, ethics is a science. Every science is concerned with a particular sphere of nature. As a science ethics has its own particular sphere; it deals with certain judgments that we make about human conduct. It deals with systematic explanation of rightness or wrongness in the light of the highest Good of man.

Ethics is a normative science. It is concerned with what ought to be done rather than what is the case. It differs from positive science. A positive science, natural science or descriptive science is concerned with what is. It deals with facts and explains them by their causes. In positive science there is no question of judging its objects in any way. But ethics does not deal with fact. Rather it deals with value. Therefore, it is clear that ethics is concerned with judgments of value, while positive science deals with judgments of facts. That is why ethics is not a positive science but a normative science. Normative ethics deals with standards or norms by which we can judge human actions to be right or wrong.

For example, logic, aesthetics are also considered as normative sciences, because logic and aesthetics are concerned with truth and beauty. So, truth, beauty and value are the three ideals of logic, aesthetics and ethics respectively.
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*Ethics is not a practical science.* Practical science deals with means for the realization of an end or ideal. It teaches us to know how to do. As for instance, medical science is a practical science. It concerns with the means in order to remove the causes of ailments or diseases. But ethics is not concerned with means in order to achieve moral ideal that is rightness or goodness. It does not teach us how to live a moral life. So, ethics can not be regarded as a practical science.
Ethics is not an art. Ethics does not teach us an art as to how to lead a moral life. Rather it helps us to justify rightness or goodness which can lead to the supreme goal of human life that is to realize the goal of human life. So, ethics is not a means to the highest ideal of human life. But, like the practical science, art is also a means for obtaining a goal. So, ethics is neither a practical science nor an art. Again the question is, is there any art of conduct? The reply is, in case of morality this is not true. Art especially deals with acquisition of skill to produce objects, while morality deals with motive, intention, purpose and choice which are considered right or wrong in the light of goodness. Therefore, morality consists of goodness, which is really an intrinsic end.
A norm or ideal in the ethical sense is defined as any regulatory principle that controls or lays guidelines to thought and mode of acting. Ethics is a science of values as it discovers the forms of conduct or behaviour, which have the character of oughtness. Ethics deals with moral phenomena and it observes and classifies them and explains them by the moral ideal. It distinguishes moral judgments from logical judgments and aesthetic judgments and reduced them to a system. So, we may define the nature of ethics as scientific. However, from another perspective all sciences also lead to philosophical questions if we take philosophy to be quest for knowledge. That is way ethics is a branch of philosophy.

There is no clear-cut boundary between science and philosophy, between descriptive science and normative science and between ethics and philosophy. A norm is more than a description. While philosophies have become more scientific and sciences have become more philosophical, the distinction between science and philosophy and between value-science like ethics and general’ philosophy is a matter of degree. That way ethics is both scientific and philosophical, both descriptive and normative science and both pure and applied, pure ethics and meta ethics. Ethics is an art as it sets guidelines for practical conduct and also for understanding the meaning of what it is to act in an ethical manner. Ethics is concerned with Goodness as an ultimate value while some other normative sciences like Aesthetics and Logic are oriented
A distinction must be made between ethics and morals or morality. Whereas ethics is the branch of philosophy concerned with moral values, the ethics or morals of an individual or a group are the values according to which they act. Every people, even the most uncivilized and uncultured, has its own morality or sum of prescriptions which govern its moral conduct. Nature had so provided that each man establishes for himself a code of moral concepts and principles, which are applicable to the details of practical life, without the necessity of awaiting the conclusions of science. Ethics is the scientific or philosophical treatment of morality. The subject-matter of ethics proper is the deliberate, free actions of man; for these alone are in our power, and concerning these alone can rules be prescribed, not concerning those actions which are performed without deliberation, or through ignorance or coercion.
Morals are the welfare principles enunciated by the wise people, based on their experience and wisdom. They were edited, changed or modified or evolved to suit the geography of the region, rulers (dynasty), and in accordance with development of knowledge in science and technology and with time. Morality is concerned with principles and practices of morals such as:

(a) What ought or ought not to be done in a given situation?
(b) What is right or wrong about the handling of a situation? And
(c) What is good or bad about the people, policies, and ideals involved?
Difference Between Ethics and Morality

<table>
<thead>
<tr>
<th>Ethics</th>
<th>Morality</th>
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<tbody>
<tr>
<td>The word Ethics originated from the Greek word ethos. The meaning of ethos is a character</td>
<td>The word Morals originated from the Latin word Mos. The meaning of Mos is custom.</td>
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<tr>
<td>Legal guidelines and professional rules govern ethics. The acceptability of ethics is confined within a particular space and time frame.</td>
<td>When it comes to acceptability of Morality it transcends the norms laid down by culture.</td>
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<td>Ethics are dependent on the prism of others.</td>
<td>Morality are seen from the perspective of an individual.</td>
</tr>
<tr>
<td>If the contexts are different then the ethics could be different, hence there is some degree of flexibility in ethics.</td>
<td>Change in Morality depends on the change in the beliefs of an individual.</td>
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<td>Ethics are followed because the society has decided that it is the right course of action</td>
<td>Morality is followed because a person believes that it is the right course of action.</td>
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<tr>
<td>A person who follows the ethical principles need not necessarily have strong moral values, in fact there are even possibilities that he may not have any morals.</td>
<td>There could be situations where ethics are violated by a moral person to maintain to uphold his moral values.</td>
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<tr>
<td>Ethics is something usually associated in the field of law, medicine or business. Ethics does not have a religious connotation.</td>
<td>Morality has a religious connotation</td>
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Scope of Ethics

There are 3 different *scopes of ethics*. They are:

- **Meta-Ethics**
- **Normative Ethics**
- **Applied Ethics**

1. **Meta-Ethics**: Meta-ethics *comprises the area of situational ethics and deals with logical questions* like ‘What do we mean by ‘freedom’ and ‘determinism’ etc. It delves into the nature of ethical properties, attitudes and judgements. For example, a media critic’s description of a TV series as ‘good drama’ does not necessarily denote that the program is morally sound. It is the function of metaethics to define such vague concepts in ethical terms. Some of the theories of Meta-Ethics are Naturalism, Non-Naturalism, Emotivism and Prescriptivism.
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2. **Normative Ethics**: Normative ethics deals with standards or norms by which we can judge human actions to be right or wrong. It deals with the criteria of what is morally right or wrong. For example, if someone murders a person, everyone will agree that it is wrong. The question is: Why is it wrong to murder someone? There are a lot of different answers we could give, but if we want to specify a principle that stated why its wrong, the answer might be: Murder is wrong because when we kill someone, we violate their right to live. Another perspective might be – To inflict unnecessary suffering on the person being murdered or their family is wrong, that’s why to kill a person is wrong. 

There are **three elements emphasized** by normative ethics:
- The person who performs the act (the agent)
- The act
- The consequences (impact) of the act
3. Applied Ethics: Applied ethics is the problem-solving branch of moral philosophy. It uses the insights derived from metaethics and the general principles and rules of normative ethics in addressing specific ethical issues and cases in a professional, disciplinary or practical field. Applied ethics is the vital link between theory and practice, the real test of ethical decision-making. Applied ethics often requires not only theoretical analysis but also practical and feasible solutions.

Some of the key areas of applied ethics are:
- Decision Ethics
- Professional Ethics
- Clinical Ethics
- Business Ethics
- Organizational Ethics
- Social Ethics

**Applied ethics takes into consideration issues such as abortion, euthanasia, capital punishment, drug decriminalization, gay marriage, etc.**
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References

- http://egyankosh.ac.in/bitstream/123456789/38230/1/Unit-1.pdf