

Ethics are moral, but morality is not ethics

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Ethics and morality often are accepted as synonymous terms, but are they? Codes of ethics establish categorical concepts that provide objective decision-making tools for health care professionals.¹ However, the principles outlined in these codes—nonmaleficence, benevolence, justice, autonomy, and professionalism—fail on their own merit to adequately address the question dentists are asked regularly: “But, Doctor, what would you do if you were in this situation?” In theological literature, ethics and morality are essentially interchangeable terms; however, formation of ethical principles is driven by a higher form of natural law. The interpretation of this natural law is what has come to be known as *morality*.

Ethical codes tie a group of individuals (such as members of a profession) to the society in which it functions. There are essentially three schools of thought on ethics, each reflecting a different world view. With *altruism*, virtues such as justice, charity, and generosity are dispositions to act in ways that benefit both the person possessing these traits and the surrounding society. With *pragmatism*, humans are bound by knowledge of their duty as rational beings to obey the categorical imperative to respect other rational beings. With *utilitarianism*, the guiding principle of conduct should be for the greatest happiness or to benefit the greatest number.

Ethical codes, like laws, are fundamentally grounded in morality. For example, a simple law that utilizes traffic lights to govern the flow of traffic through an intersection suggests that order is good, that property is to be protected, and that life should be preserved. Ethically speaking, justice demands that property be protected, while benevolence suggests that it is in the best interest of all drivers to maintain order, and nonmaleficence requires that all measures should be taken to avoid physical harm.

The concept of natural law (or moral law) indicates

that there are universal standards that apply to all people in any age. The universality of the concept that morality is distinctly different from laws or ethical codes can clearly be seen in some historical examples. When Nazi leader Adolph Eichmann was put on trial in the early 1960s, he claimed that he merely was obeying the laws of his country when he committed his wartime atrocities. By the standards of Hitler’s Germany, Eichmann had committed no crime and was, in his mind, behaving ethically. Those responsible for adjudicating the Nuremberg trials recognized that there is a law above the law of every country.* If morality does not have a universal component, then Eichmann would have been set free.

Thomas Jefferson recognized natural law in the Declaration of Independence, when he wrote, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” More recently, when Martin Luther King, Jr., was put in jail in Birmingham, Alabama for violating segregation laws, **he justified breaking the law with these words:**

“One may well ask, ‘How can you advocate breaking some laws and obeying others?’ The answer is found in the fact that there are two types of laws: There are just laws, and there are unjust laws. I would agree with St. Augustine that ‘An unjust law is no law at all.’ Now, what is the difference between the two? How does one determine when a law is just or unjust? A just law is a man-made code that squares with the moral law. . . . An unjust law is a code that is out of harmony with the moral law.”²

Supreme Court Justice Clarence Thomas once wrote about a discussion with a politician who was skeptical

*Some scholars argue that the Nuremberg Trials were based on the philosophy of “positivism,” not natural law. The *Stanford Encyclopedia of Philosophy* believes that positivism is an insufficient basis for the Nuremberg verdicts. Only natural law will do: “Still, . . . natural law theory’s account seems the most explanatory: the moral rules applied were also rules of the ‘higher law’ applicable in all times and places.” (“Natural Law Theories,” *Stanford Encyclopedia of Philosophy* (5 February, 2007; <http://plato.stanford.edu/entries/natural-law-theories/>). See Philip Soper, “Some Natural Confusions About Natural Law,” *Michigan Law Review*, 90(8), (August 1992), 2393-2423; Quincy Wright, “Legal Positivism and the Nuremberg Judgment,” *The American Journal of International Law*, 42(2), (April 1948), 405-414. Supreme Court Justice Robert H. Jackson served as Chief Counsel at the Nuremberg trials. He referenced natural law in his opening statement at the trial (see <http://www.roberthjackson.org/Man/theman2-7-8-1/>). To understand his view of natural law, see <http://www.roberthjackson.org/documents/021944/>.

about natural law: “[A]ll I did was ask him if he would consider having a human-being sandwich for lunch instead of, say, a turkey sandwich.” Justice Thomas’ point was that if there was no truth to natural law, then one sandwich would be morally equivalent to the other.

In summary, there are moral standards that apply to all people, regardless of written law or ethical code. If there are not, then Adolph Eichmann should have been set free, the rights guaranteed to Americans are unfounded, and Dr. Martin Luther King’s death was without sociological significance. Morality supersedes ethics.

According to the ADA Code of Ethics and Professional Conduct, a profession can be defined as a group that

“holds a special position of trust within society. As a consequence, society affords the profession certain privileges that are not available to members of the public-at-large. In return, the profession makes a commitment to society that its members will adhere to high ethical standards of conduct.”³

As a result, the members of a profession are held to higher standards than the general population because they possess special skills and knowledge. As a consequence, society affords the profession certain privileges that are not available to the public-at-large. In return, the profession makes a commitment to society that its members will adhere to high standards of conduct. Codes of ethics and professional conduct are established to protect this reputation. When applied properly, these codes can be powerful tools for creating appropriate treatment plans.¹ Conversely, like laws, these codes often are used to rationalize why an unfavorable course of treatment has been rendered. In such situations, the moral choice that the dentist has or has not made in rendering treatment

supersedes the ethical reasoning behind the treatment.

Codes of professional ethics outline principles for decision-making that are critical to the professions which they serve; however, the decisions that health care professionals make in the course of rendering appropriate (or inappropriate, as the case may be) treatment always are guided by the morality bestowed upon each of us as human beings.

Morality is completely subjective. The ability and responsibility to determine right from wrong is inherent in the socialization process and cannot be taught in courses of study, unlike professional ethics, which is objective in nature and is taught in organized courses of study. The moral responsibility of man should always supersede any legalistic interpretation of professional ethics.

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