

# Guest ethics column: Marks: Laws don't always reflect proper ethics

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Once upon a time, not so very long ago, but before you were born, I was sitting on a bus in Chattanooga. According to the law and custom of the South, the white people were sitting at the front of the bus and the colored people (as black people then were called in polite parlance) were sitting in the back.

As you may have guessed, I was (and am) white, but I was sitting back by the imaginary dividing line, on one of the seats with its back against the window. The bus was full.

A skinny, elderly black lady boarded the bus toting two heavy shopping bags and made her way to the back. She set the bags down and reached for a strap to steady herself. Boy Scout that I was, I stood up and offered her my seat.

She smiled and refused. The bus jolted, and she almost went over. I insisted, and eventually she relented and sat down, her bags on her lap and a big smile on her face.

I soon realized, though, that it wasn't a smile of pleasure but of nervousness, because I saw it reflected on most of the faces at the back of the bus. In the front they were doing their best not to notice, but in the back some simpleton had just made a fool of himself, breaking the social code (and no doubt breaking the law) that everyone, black and white, knew and respected through their compliance.

It was one of this simpleton's proudest moments; even though I was an accomplice in breaking the law, I was doing the right thing.

You see, boys and girls, once upon a time, not so very long ago but before you were born, segregation was the law of the Southland, and in many places and many ways in the North injustice against non-whites (and in favor of whites) prevailed in the social fabric if not in the laws themselves. The eyes in that photo have seen the signs in our United States proclaiming "Whites Only" and "Colored."

And though it may seem like this is just some old guy mumbling about the good old days, it wasn't so long ago that you don't see its legacy all around you. Ever wonder why East Lubbock

is so different from the rest of town? Ever wonder why Texas Tech is having so much trouble recruiting a student body that resembles Texas in its demographics?

It's largely because the law and social custom kept Lubbock segregated and Tech lily-white for all of its early history, and though the laws have been changed, we have not thoroughly processed this basic fact of our heritage.

But back to the little white fool on the bus. I was lucky because sometimes people who engaged in such gestures had to endure more than embarrassed tittering: arrest, police batons on the skull, high-power fire hoses, maiming, lynching — all with the support or indulgence of the law. I am proud of this little folly because I had the sense to know the norm was unethical and the law was unjust, and I acted — in my teeny gesture — on my belief.

Sometimes — seldom, but sometimes — obedience to the law would be unethical, and the right thing to do is disobey. Tech has a Statement of Ethical Principles that declares our adherence to the ideals of mutual respect and diversity; I was striving for honor before my time as a Red Raider.

Similarly, sometimes the law permits actions that just aren't right; the ethical thing to do is to apply standards that are higher than the law's. That's what one side was saying during our recent foray into the notion of patriotic torturing, while the Department of Justice contented itself with torturing the law in an attempt to legalize putting the screws to whoever got swept up in our net.

It's easy to rationalize going along with a powerful movement like this, especially if it appeals to our prejudices and fears: They're bad guys! Get 'em before they get us! It's harder to hold fast, in the face of such appeals, to your ethical compass: bedrock values such as innocent until proven guilty, the good guys don't torture, even if you dream up a fancy, antiseptic term for it. I confess I was all too eager to jump onto the bus going in the wrong direction on that one.

And so, young'uns, thank you for listening to the old greybeard. Remember obeying the law is generally a good thing, and so is patriotism, but sometimes you need to say, "No." Knowing when those times are is the mark of a developed sense of ethics. Learn to cultivate it.

This is the first in a series of monthly articles in The Daily Toreador in which other greybeards from the Tech administration — including some of the female persuasion, whose photos reveal no visible signs of beardage — will wrestle with ethical questions before your very eyes.

Enjoy them. Learn from them. Put your ethical sense up against theirs.

Strive for honor!

### 3 comments

Cory Davenport

Fri Oct 9 2009 17:55

...is ethically right or wrong, you might want to consider the consequences of those words and deeds. A fear of mine is that you don't even realize that you just penned an article claiming that a politically liberal worldview is necessary to discern what is right or wrong. An even bigger fear of mine is that you do realize this. Two final pieces of advice: 1) Take the magnet away from your ethical compass. 2) Stick to teaching Tech students a subject, I will concede, you probably know a great deal about--Theater and Dance.

Cory Davenport

Fri Oct 9 2009 17:53

"This is the first in a series of monthly articles in The Daily Toreador in which other greybeards from the Tech administration...will wrestle with ethical questions before your very eyes." Translation: This is an opportunity for radical leftists like me to unethically, unprofessionally propagandize under the guise of ethics instruction and through lessons on "doing the right thing." So, who are these people enacting the "Quality Enhancement Plan" and writing articles for the Daily Toreador? Everyone reading this should know that many members of the QEP Steering Committee, Ethical Institution Task Force, Academic Integrity Task Force, and Ethics in the Curriculum Task Force publicly pronounced their contempt for free-thought, free-speech, and diversity of opinion (all things that actual academics ought to be defending) when they signed the petition in opposition to the hiring of Attorney General Alberto Gonzales. Leading the charge against Gonzales was Associate Professor of Philosophy Walter Schaller. A quick perusal of his TTU website lets you know everything you need to know about his radical worldview. Besides the academic links you would expect to see on a professor's TTU page, you will also find links to the DailyKos and other similar sites that many people would consider to be "hate" or "anti-American" sites. So, why were these "professors" opposed to hiring a former U.S. Attorney General, Air Force veteran, and Harvard Law grad? They list two reasons: 1) "the Chancellor should not be involved in the hiring of faculty" and 2) "Texas Tech University should not hire Alberto Gonzales". It might, in fact, be legitimate to criticize the method by which Gonzales was hired, but this does not mean he ought to be denied his position simply because some faculty have a problem with the process. The second point made isn't even a reason WHY his "hiring is objectionable"! Once the author(s) finally did elaborate on why Gonzales is unworthy of being hired they stated that, "His years in the White House were characterized by conduct which, whether or not it was illegal, demonstrated significant ethical failings." They then proceed to make this case by citing leftist "news" sources and by making numerous straw men arguments and other logical fallacies. In fact, this petition would be perfect for use by any professor who wanted their students to identify all of the logical fallacies that they have been discussing in class. It would keep them busy for hours. Most importantly, why are the signatories of this petition the arbiters of what is ethical and what is not? This brings me back to the post by Dr. Marks. After he had a chance to pat himself on the back for his ethical superiority and racial sensibility (the first 2/3 of the article), he then moved on to suggest that you might want to break the law as long as you are doing so in defense of the ethical "right". I find it hard to believe Dr. Marks would defend someone blocking the entrance to an abortion clinic if they honestly believed that abortion was mass infanticide, however. He also stated that just because something

is legal, it might still be ethically “wrong”. By way of explanation, he cited the use of enhanced interrogation techniques (what he deems “torture”...my term being too “fancy” and “antiseptic” for his enlightened taste) on terrorists by our nation’s defenders. He wrote, “It’s easy to rationalize going along with a powerful movement like this, especially if it appeals to our prejudices and fears... It’s harder to hold fast, in the face of such appeals, to your ethical compass.” Ironically, in his opposition to enhanced interrogation techniques, he said one should value the belief that a person is innocent until proven guilty. It’s unfortunate that he doesn’t extend this same right to Attorney General Gonzales. Apparently, only the enemies of our country are deserving of that right. Dr. Marks had an opportunity to impart his “wisdom” upon the students of Tech. Well, I have some advice for him. With regard to Attorney General Gonzales, you ought to support ‘ei incumbit probatio qui dicit, non qui negat’ over ‘de jure’. The burden of proof lies on you. I ask again, why are you the arbiter of what is ethical and what is not? Some additional nuggets of advice: Look up social psychologist Jon Haidt’s work on the five moral foundations, look up the term “motivated reasoning”, and reread the QEP final report (because I’m not so sure you are appropriately following its guidelines and recommendations). In conclusion Dr. Marks wrote, “...sometimes you need to say, “No.” Knowing when those times are is the mark of a developed sense of ethics.” On this, I couldn’t agree more! My response to your posting is my “No.” It isn’t just “greybeards” who have a sense of what’s ethically right or wrong. Your approach to both ethics and the QEP should be much more humble. Before you imply, through words and deeds, that YOU are the arbiter of what...

roger919

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Good comment. A good example of what you are describing can be seen in the immigration debate. Harsh and unjust results come from simply applying the law without considering other factors. Families are separated and live in fear and non-criminals are detained for long periods of time without due process, and undocumented immigrants are demonized for "breaking our laws" when much of our current immigration law lacks the moral integrity to be given our respect. "Justice" should always be given a higher consideration than mere legality, and, unfortunately, the two are not always the same.