I3 An Isaac Ray Award Lecture: Ethical Codes in the Forensic Sciences What Makes Them Right?

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The goal of this presentation is to foster awareness in the desirability of grounding for ethical codes, either in the form of explanations or in the form of justifications and to encourage consideration of the foundations or lack of foundations for ethical codes in the forensic sciences.

This presentation will impact the forensic science community by assisting the audience to distinguish between the rules of normative ethics, on the one hand, and the meta-ethical explanations and justifications for those rules. The audience will learn that the meta-ethical explanations and justifications for normative ethical rules are essential to considera- tion of ethical problems not yet addressed by existing ethical codes.

The American Psychiatric Association (APA) and the American Academy of Psychiatry and the Law (AAPL) jointly sponsor the Isaac Ray Award for distinguished contributions to forensic psychiatry or psychiatric jurisprudence. The award recipient is required to deliver a scholarly paper in a national forum within one year of receipt of the award. In May 2007, the APA and AAPL bestowed the Isaac Ray Award on Richard Rosner, MD. This presentation is the scholarly paper required by the terms of the award. While professional ethical codes (including those in the forensic sciences) provide guidelines for ethical conduct, they usually do not provide either explanations or justifications for those guide- lines. This paper will explore and evaluate some of the leading explana- tions and justifications that have been offered in support of ethical codes.

Two of the explanations of ethical codes are historical tradition and subjectivism. Historical tradition suggests that the values that have been inherited from the past should be retained for the present and future, regardless of the absence of convincing arguments in their support.

Subjectivism suggests that ethical values are merely expressions of our subjective feelings, that they are inherently unsupported by rational grounds.

Among the justifications of ethical codes are Divine Command Theory, Natural Law, Consequentialism, Deontology, and Feminist Ethics. Divine Command Theory suggests that ethical codes are based on God's commands: whatever God commands us to do is right. Natural Law suggests that God has endowed human beings with the rational ability to determine what is right: whatever is supported by the best reasons is right. Consequentialism suggests that whatever act leads to the best outcome for the most people is right: the greatest good for the greatest number is right. Deontology suggests that factors other than the outcome of our ac- tions determine what is right; the most famous example is Immanuel Kant's categorical imperative. Feminist Ethics suggests that because men have devised the major justifications of ethical codes, those ethical codes are inherently flawed and new justifications based upon feminist values must be developed. This paper will consider some of the arguments in favor and in opposition to these explanations and justifications for ethics, with specific attention to professional ethical codes.

Ethics, Philosophical Explanations and Justifications, Isaac Ray Award Lecture