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A NOTE FROM THE EXECUTIVE EDITOR

Brightening the horizon, the Texas Tech University Ethics Center launches a journal of scholarship and opinion for researchers and professionals to share information. The inclusive dialog in this journal will provide readers with in-depth thinking about present and future challenges. The Ethics Center seeks out scholars who find their voice in topics on ethics in order to enhance knowledge and awareness. Academics, scholars, and professionals, may engage provocative issues to benefit broadening societal understanding and influence decision-making in the current moment and for the future. The Texas Tech University Ethics Center wants this journal to evolve into a reliable resource that encourages critical thinking among students, faculty, and professionals.

Thank you,

Ralph Ferguson, Director, TTU Ethics Center

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INTRODUCTION

Dennis Patterson, Chair, Department of Political Science

There's no disagreement today that global ethics is important. I don't know anyone who would disagree that we need to understand and pursue and study and think more about what exactly we mean by global ethics. Let me just raise a few words and you'll know exactly what that means. I say the word Aleppo. It's a human tragedy. It's important. Mosul. Even what goes on in American cities. These are all issues of ethics. And they're all part of the world. Immigration. Migration. These are issues that have an ethical dimension and it is really incumbent upon us to understand these issues in and of themselves and how they affect us. But it is also important to study them from an ethical standpoint because we do have responsibilities as citizens on this planet, of this country, of the United Nations, whatever organization you want to point to. We need to understand these things as ethical issues.

Global ethics is very important, nobody disagrees with it, but I'm going to take a little bit of a different course because most people say when we study global ethics, the emphasis that comes up is that we study the world because we want to know how people are different. It is usually of interest that they may have different ethical systems, or they may think a little bit differently about one issue or another. Why do we need this discussion? Because we need to understand how people are different. There are really a couple of other reasons why we might want to understand global ethics, and how global ethics informs our understanding of the really terrible issues and even the good issues that we witness around this country and around the world.

I study Asia particularly Japan and Korea; a part of the world that I've been going back and forth to for more than 30 years. I believe that when we understand other cultures and other countries, when we understand other peoples in other countries whose ethical issues are informed by a different religion, a different set of traditions philosophical or religious, then we understand more about ourselves. This is really an important insight that we neglect sometimes. When we understand other countries, we understand more about ourselves. I don't think that's controversial to say, but that maybe what we find out is how there are more similarities than differences.

When I went to Japan in the 1980s, everyone thought Japan was going to take over the world, and that the reason the Japanese were so hard to negotiate with was because their ethical systems are different. The

Japanese are ruled by situational ethics. I lived there year after year, studied public opinion, talked to Japanese people, talked to Americans, and what I found was there is a lot more common ground. We missed it because we misconstrued the meaning of difference. We didn't look for those areas that overlap and how we could actually negotiate.

Everyone thought the Japanese market was closed. The truth of the matter is, in some ways it was. It was cost prohibitive for us, but it was also because the Japanese believed that it was ok to protect the market. Whereas Americans said 'it's ok for us to protect our market, but not you to protect your market,' especially when we want our goods to go there. What I found was this little area of common ground that if we actually dug a little deeper, we might have understood a little better and avoided some of the conflicts that we had during that period of time. Global ethics is not just important for increasing our understanding of ourselves and others but it actually, I think, will help us find that common ground we need to build bridges, to build a better society here and elsewhere.

PROSCRIPTIVE ETHICS (DOS AND DON'TS) UNDERMINING ETHICAL CULTURE IN THE BUSINESS COMMUNITY

Dr. Mike Ryan Rawls College of Business Professor of Practice: Leadership and Ethics

I study leadership and ethics, and that's the area I've been teaching in for the most part. My approach to ethics is very action oriented. I speak to this with my students. I speak to this with other organizations I do workshops for. Ethics as an area of study is extremely interesting but from a business perspective, until we implement something, until we follow through on something, it's simply an area of study. My approach is very much one where I ask the question "what are you going to do about it?"

The four areas I'm going to talk about are descriptive, proscriptive, prescriptive, and moral relativism. Descriptive is simply "what is" and a lot of times we look at ethics, and we look at the situation that currently exists and that's a descriptive standpoint. Proscriptive is what's forbidden. That includes the whole system of codes and rules and policies that are codified and that tell us what we can and what we can't do. Prescriptive is 'what do we want?' What's the desire? What's the ideal? What ought we be doing? And then moral relativism refers to how culture influences ethics. What part does it play in the role of ethics?

When we talk about 'descriptive' that's when we hear things like "this is the way it's always done", "this is the way we do it here." Right away it's a cut off. It limits the actions we can take. Proscriptive goes even further. It is based on policies and rules, and it tells us what can and what can't be done. When we talk about what is prescriptive, all of the sudden we have to start recognizing our own obligations, our duties, our responsibilities. And this requires a much higher level of engagement. For moral relativism, we have to bring in ethics and how it relates to the prevailing culture.

In terms of threats, when we talk about descriptive ethics, we get the response of "well, that's not my fault" "that's the way it's always been done," which is a built-in excuse. Proscriptive is not much better. It speaks to the issue of "I was following orders," "this is what they said I had to do" And in fact, some researchers mention that when you act, especially in business, if you act as a manager on a policy and rules and something is determined as unethical, it's not your fault; it's the fault of whoever wrote the policy and rules. That's a threat to ethics because it takes ethics away from the individual.

Both of these, proscriptive and descriptive, remove the ethical component from the individual's actions.

In prescriptive, we have to be engaged. Aristotle developed the prescriptive and the whole concept is that we not only have to study, we also have to deliberate. We have to build our cognitive awareness and then act. He said that ethics without action was not of value. And when we look at moral relativism, and I put this as a threat, some people use that relativism to justify decisions. It shouldn't be used to justify decisions, it should be used to grow awareness of other communities, of other perspectives.

The foundations of ethics are going to be fairly universal. So, when we talk about prescriptive, one of the things I reinforce constantly when I'm teaching, is that we have to own our decisions. We can't say "well so-and-so told us". I don't care if that so-and-so is a professor, a preacher, a politician, it doesn't matter. We can't pass the buck. Ethics should be very personal. It shouldn't be blind acceptance. We need to investigate, we need to research, we need to develop our own thoughts on it, and not do so lightly. It requires cognitive engagement. You do have to do some study and research. Don't just take things at a superficial level, carry it to the next stream. Ask yourself, what does it imply in terms of my obligations, my duties to myself and to others who are involved?

Bounded rationality is the concept of our being able to speak to those things that we know, or to those things that we can learn, dependent upon time. Ethics requires that we expand our bounded rationality. It requires that we seek to learn from various studies from others and grow that bounded rationality. And lastly, ethical decisions, from a prescriptive standpoint, require that we accept consequences. If I disagree with a law, or I disagree with some policy, and I act on that, I should be fully aware that I have to accept the consequences of it. Because that's part of my growing as an individual and sometimes the consequences can be severe. You might challenge a policy at work and lose your job. But if you retain your own, ethical values, I don't think you've lost anything. I would challenge each and every one of us to constantly ask the question: are we simply doing it because somebody else said that we have an excuse? Or are we willing to take the extra steps and engage ourselves in the decisions that we're making? That to me is what ethics is fundamentally about.

ETHICAL DILEMMAS IN 21ST CENTURY EDUCATION

Dr. Andrea McCourt, University Studies, Coordinator, undergraduate academic program in Human Resources Development

I began my career as an elementary education teacher, so I'll talk a little bit about public education because it's still near and dear to my heart. I've decided to start off with a quote from Abraham Lincoln and then I'm going to move into some issues that I see as key ethical dilemmas that we've been facing in education for quite a while, and then I'm going to move into some thoughts about what are the types of ethical responsibilities we have as we work with young people of all ages.

From Abraham Lincoln: "Upon the subject of education I can only say I view it as the most important subject with which we as a people may be engaged in." And I believe wholeheartedly in this. I believe that education, whether it's a two-year old who is learning, or it is an 82 year old who is learning is very key to what makes us people. Education is the key to solving so many of our problems in the world, whether they are water issues or political issues or whether they are educational, systemic issues, I think that education is the key. And global education is key.

When I was thinking about some of the issues that have continued in education, perhaps because I'm an administrator, funding came to mind. Funding is a constant dilemma that we face because we have so many for whom we want to provide access to our educational systems and yet we have a limited amount of money to do so. We have passed many different laws here in the United States and about our most recent act, the "Every Student Succeeds Act" which was passed in 2015, President Barack Obama said "with this bill we have reaffirmed that fundamentally American ideal that every child, regardless of race, income, background, the zip code where they live, deserves the chance to make their lives what they will." What I love about this quote is the final part about making their lives what they will, because education, if nothing else, should be about opportunity and providing equal opportunity to all of the students, whether they're in the American classroom or in classrooms around the world. But how do you fund those systems? It's a constant issue.

Federal funding has increased to public schools in recent years. Somehow it's decreased in some institutions of higher education, while it has increased in primary and secondary schools. State

funding fluctuates as well. Another ethical issue some states currently face is the lottery system where we create lotteries to pay for education, and then that money somehow ends up in education. We look at state expenditures and how much they fluctuate from state to state. I was raised in the wonderful state of Idaho, which ranks 49th in the states in terms of expenditure per student. This was a big topic in Idaho because the teachers knew that they made less than teachers in Wyoming which ranked much higher in terms of expenditure per student and per teacher.

Moving into higher education, funding is an issue for us as well. How do we continue to offer the services and classes we know students need, when we get different amounts of money every year? I think Bernie Sanders really resonated with a lot of students when he talked about a free college education for everyone. But we all know there is no such thing as a free education. That cost needs to get passed along somehow and the question is, how do we do that? I think the ideal is fantastic. How do we provide a free collegiate education to everyone without saddling them with years of tax debt or student loan debt burden? I don't have an answer to any of these questions, but I think funding is an issue that we are facing now. We faced it hundreds of years ago, and I suspect we will continue to face it as we move forward.

The next issue that we face in education is technology. Technology provides fantastic opportunities. It can help students learn. It can help them learn new things in different ways and learn more effectively. Technology can be a great equalizer. The internet can bring education to people in parts of the world that might not otherwise have access to some of the experts that they can view via the internet or via the online classroom. We've all heard of MOOCs, the Massive Open Enrollment, classrooms, which offer a free, online education where you have some of the leading world experts. MOOCs don't provide college credits, but do provide the opportunity to learn about business, law, ethics, and all sorts of amazing things. Technology can be a great equalizer and yet we know the digital divide still exists. There are some parts of the world that don't have access to computers or to fast internet service. How can we leverage technology? How can we provide technology around the globe so that people who maybe do not have access to these physical classroom structures can still have access to the content and to the experience of learning?

Technology leads to the next ethical issue, one that I hear discussed a lot: academic integrity. We all want our students to act ethically and to turn in their own work, and yet the statistics are terrifying. Dr. Don

McCabe with the International Center for Academic Integrity is one of the leading experts on academic integrity. He has done a lot of research into academic integrity and his numbers are terrifying. He looked at 70,000 high school students and 95% said they had cheated in some way on an assignment or on an exam when they were in high school. We're doing a little better here at the college and university level. Only 68% of undergraduates said they had cheated on a paper or on an exam and by the time we had reached graduate school, it was only 43% of students. So I guess we're showing success as we age if not something else.

Academic integrity is an issue and, as much as I love technology, I suspect that in some ways, the internet and the easy access of some information has contributed to this problem. I know that I have students who have plagiarized in papers because they have cut and pasted off of Wikipedia if nothing else. They think that citing five pages of Wikipedia is the same thing as turning in their own work. So we seem to have this level of confusion about cutting and pasting. We have papers that you can buy online and exams that you can buy online. It's a real challenge for us. How do we balance all of these issues? And, at a different level, how do we teach our students to be ethical? If 95% of high school students have cheated, somehow the system is promoting it. So how do we stop that connection? How do we get students to understand and make the ethical decision to turn in their own work and to turn in stuff that is ethical, that has integrity?

Those are the issues that I thought about. The final thought that I had is, as someone who works in the field of education and I've been in the field of education my entire life, as I was preparing my speech, I asked one of my daughters what I should talk about today and she said "shouldn't you talk about what teachers should do for their students?" And I thought, 'well, that is a great question'. So what are our ethical obligations to our students? We work in this field. We are experts on teaching, or on our subject matter, or on students depending on what we do. So what are our ethical obligations? What should we provide? Well first of all, I think, safety. I think we have an obligation to provide a safe learning environment for our students. Whether that's a safe campus here in America, or it's to be a global safe situation that everyone in every country is safe to pursue an education. How do we provide that? Equal access follows closely behind that. How do we provide educational systems throughout the world that are culturally sensitive but are also available to everyone in that country? How do we guarantee fair and unbiased treatment of all students? So that lines of sex and race and gender and income

disappear and all students really have an equal opportunity for success in the classroom? How do we teach our students to care, rather than to be bullies?

Last week I was reading a story online about a high school student who developed an app called "Sit with Me." It's an app you can download on your phone, and if you're new to a school or just don't have a lot of friends in that school, you can look for people who have marked themselves as friendly people in the cafeteria that you can sit with so you don't have to sit alone at your lunch table. I don't know if I was saddened or delighted to hear about this. I am thrilled that someone created it and that a student cared enough, but I'm also saddened that that need exists.

Moving on with ethical obligations. How do we move beyond standardized testing? Because life isn't standard and while I understand the purpose of standardized tests, how do we teach our students to think critically and to problem-solve on their own, so when they get to life, which is the great test, they can solve those problems? And finally, to go back to my original quote, when we talk about the subject of learning and how everyone should be engaged in it, how do we engage our students? How do we get them passionate about learning so that they become lifelong learners, so that they're always interested in learning more? And to go back to the quote from President Barack Obama, how do we inspire them to make their lives what they will? I think that is our job as educators. To provide them with information and the tools to process that information and then to go and to become the best people they want to be and they can be. I don't have answers to any of those questions. But I think these are the concerns that we should all have. And so when we make our decisions, if we keep these things in mind, I think we'll make the right call.

THE DIFFERENT SOURCES OF CODES OF ETHICS AND THE IMPLICATIONS OF THESE ORIGINS

Rich Burgess, Murdough Center for Engineering Professionalism and National Institute for Engineering Ethics in the Whitacre College of Engineering at Texas Tech, NIEE.org

I'm going to talk to you about engineering ethics and my reason for doing so is to provide some insight into how engineers look at their ethical obligations and that obviously has global ramifications. Many of the problems we're dealing with today either have their origin in engineering or have their solution in engineering, so that's important to talk about. But beyond that, I think there are some lessons that we can extrapolate from engineering to other domains. But first I was thinking about who would be a good engineering exemplar that everyone would be familiar with. And my choices were Tony Stark or Scotty. So I went with Scotty. […plays clip from Star Trek Into Darkness where Mr. Scott resigns his post rather than go against his ethics]. I really like that clip because it nicely captures the tension that engineers are sometimes faced with by what they're directed to do by their employers or someone else in authority and what's good for the welfare of the public. In this case, Scotty is, of course, concerned about the welfare of the crew, and so he's faced with this dilemma between listening to his captain and his friend and doing what's best for the Enterprise. Scotty resigns his position at the end of this, as a kind of principled stand against what was being asked. I thought this would set the stage nicely for this discussion.

I work for the Murdough Center for Engineering Professionalism and National Institute for Engineering Ethics. There are a number of resources that we've developed over the years, videos, and case studies. I want to focus on what we do in the realm of education and service and even intervention. Our center offers undergraduate engineering ethics courses. I teach several sections every semester. We offer graduate engineering ethics courses, and we also offer ethics courses for practicing, licensed engineers. These are professional development courses, and usually we see people taking these because they either need to keep up with continuing education requirements as a part of their license or, because they've somehow done something wrong according to their state board and they're sent to us as a kind of ethics community service and corrective action. Finally, we do workshops on ethics. We're periodically asked to come out to major engineering firms or professional organizations and talk about

ethics. That experience is really what I'm going to be drawing on in terms of my comments.

I have two degrees in philosophy and I am working on a Phd in Systems and Engineering Management. This means that I'm uniquely qualified to answer the important questions like 'Does that bridge exist and if so, what's its epistemic status?' In all seriousness, I do think that this background hopefully demonstrates the connection between philosophy and engineering. That is to say, they don't exist on opposite ends of the spectrum, but rather there's a high degree of overlap and hopefully some of that will come through. And if nothing else, this will help you understand why and how I'm approaching what I'm up to here. And we philosophers, after all, are interested in why.

So, why engineering ethics? Why am I talking about this here? Well, I think there are a couple of obvious answers to that. First of all, engineering failures and disasters. We're certainly not wanting for recent examples of engineering failures and disasters. We have the situation with Samsung that's unfolding right now. We have the recent, shady manipulations that Volkswagen engaged in. We have issues with GM. The Flint water crisis certainly rates a mention. The gulf oil spill and so on.

Additionally we have in engineering what I've come to call "marquee-type" issues. As in issues of data integrity. Is it ok to massage the data? Or, what do we do if we have an obvious conflict of interest? Or what happens if our supervisor's asking us to do something that compromises the safety, health, and welfare of the public? What I want to make sure to convey here though is to think of engineering ethics as the sum total of engineering failures and marquee issues is really to miss a lot of what engineers actually engage in. To be sure, engineers might come across these kinds of issues at some point in their careers, but, more often than not, the kinds of challenges engineers are faced with are issues of competing goods. These tend to be very complex problems with some high degree of situational sensitivity. Engineering ethics then, enables us to recognize when we're in such a situation, where there are competing goods, and then provides us with some methodology and hopefully tools that allow us to engage and solve those complex problems in a way that's ethically permissible.

We're not wanting for examples of complex problems. How do we manage water resources? How do we address global climate change? How do we deal with the impact that technology's going to have and look at whether or not that affects everyone evenly or are there issues

of justice and fairness? So, given this complexity, where do engineers go for guidance? One pretty straightforward answer to that is to engineering codes of ethics. Now when I say it as engineering codes of ethics that makes it sound like it's fairly monolithic in nature, but actually that's not the case. I want to talk about sources of codes of ethics, highlight the advantages and disadvantages with those sources, and paint a more complex and hopefully more realistic picture.

First of all, companies oftentimes have corporate codes of ethics, and the advantages to these is that they apply to all employees. You don't necessarily need to be an engineer to be beholden to the company's code of conduct. There is certainly a motivational factor here. If my job is tied to following the rules that my employer has laid out, then I have a certain, self-interested motivation to make sure that I follow those rules. But there are some drawbacks, or some limitations here. Certainly they're only applicable to those people working at the company. So if I don't work for that company, I'm not beholden to that set of guidelines. And while I think it can be said that there are companies out there that are genuinely good companies, that have a genuine focus on their clients or even the public writ large, or the environment, I think generally speaking, corporate codes of ethics are intended to codify behavior that's good for the company. The scope is a little bit narrower on these corporate codes of ethics.

I mentioned earlier that we do have some engineers who go on to earn a professional engineering license. When they do that, they fall under the authority of a state licensing board and those state licensing boards have their own codes of ethics. The advantages here have to do with regional sensitivity. If I'm an engineer in Alaska, then I need to understand snow loads and cold weather, extreme cold weather and how that affects a structure in order to make sure I design something that's not only going to be helpful, but, also doesn't kill people. I have to demonstrate some level of technical competence and that, by extension, allows me to act according to my ethical obligations. Now if I have a license, that means that I'm able to do certain work that other people aren't able to do, and that's tied into my livelihood, and so if I am following this code of ethics that comes from a state licensing board then there's again this kind of enforceability and motivation to follow those rules. Because if they don't, engineers can be fined, they can be sent to me, or, they might even have their license rescinded. Or even, they could be completely excommunicated. This is a big deal that has major ramifications for them. On the other hand, that quasi-legal code of ethics is sometimes going to focus on establishing basement-level standards of behavior.

That is not to say that this isn't important of course, but it's something that we need to keep in mind. Roughly 25% of all engineers go on to get a P.E. license; there's a vast majority of engineers who aren't covered by these codes of ethics.

Finally, we have codes of ethics that come from professional societies. These enjoy broader membership. You see P.E.s and non-P.E.s as a member of this. You see professionals, you see students that are members of these organizations. So broader membership and also we see a bigger scope in terms of obligations and aspirations. And that is to say those codes of ethics tend to be a little more ambitious in nature. They focus on prohibitions. What you should not do, but also what you should do and what ideals you should strive for. But here again, there are limitations, membership is optional. We can rightfully ask with some of these societies, whether or not the standards that are codified are relativized to American standards. And that's something I think we need to be mindful of when we're talking about global ethics.

I want to close with a couple takeaways, lessons to learn from this. First of all, looking to the codes of ethics as the ultimate source of justification is problematic. And again this is true in the context of engineering as well as in other fields. Ultimately, our reason to be ethical is not because it's written down in a code somewhere, but because of the impact that we have on people. And given the disproportionate impact that engineers have on people, on the environment, on society, that's what really is the source of obligation for engineers. Canons and codes cannot be applied algorithmically. It's not a series of if-then exercises. There is no substitute for careful, critical judgment.

When we talk about protecting the safety, health and welfare of the public, we need to define what we mean by safety. Who do we mean by public? What do we mean by welfare? This leads me to my third point, the importance of teaching philosophy and including ethics in engineering, science, and other domains. That kind of philosophical inquiry leads to the careful critical thinking and conceptual analysis we need to rightfully apply and understand our obligations. And finally, I just want to talk about this exercise that I began with of comparing and contrasting codes. It creates an opportunity for dialogue. We can compare, for example, the American Society of Mechanical Engineers' code of ethics with other parts of the world, whether in Japan or other countries and look for similarities as well as differences and move towards a global ethic. Whether it's in engineering or otherwise.

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DOMESTIC AND INTERNATIONAL LEGAL CHALLENGES

Dr. Dwight McDonald, Attorney, Clinical Fellow at TTU School of Law

I want to visit with you about global ethics in a manner which involves a story. Let's say we have a minister of justice who appears at the Texas Tech School of Law from a country that has been war-torn. I know that's hard for you all to imagine, that there is a country that may have some trouble with a war going on, but country is looking at rebuilding their entire judicial system and the minister comes here to find out, because Texas Tech School of law is a top ethics school, she wants to know how we do things here. She wants to learn about the structure and regulation of the legal profession in the United States because in her country there really are no lawyers and therefore there is no system for educating and regulating lawyers. Any disputes that they may have in the rural areas, they discuss them in village councils and if you're in the urban areas, they're settled by political officials who are sometimes influenced by bribes.

Unfortunately, this situation is not limited to war-torn countries, it's everywhere. But this country's contracts and other legal documents are often drafted by college graduates with no legal training in criminal law, it's based on custom and the police have the authority to impose jail sentences. So, she has questions for us when she arrives here. Her first questions is, 'should my country even have lawyers?' She notices that American lawyers are much criticized and people say they're greedy and stir up trouble. What are the reasons it might be good to have lawyers? Well, one response might be, 'ma'am you're probably right, we don't need lawyers' and you could say, 'the government's too big in this country and it's over-regulated and lawyers promote a lot of that regulation, because they make money from drawing up regulations, enforcing regulations.' You could also tell the minister that lawyers are too expensive, nobody can really afford a lawyer anyway. So why would you?

I like to tell folks all the time that you get more justice being wealthy and guilty than you do being innocent and poor. If you can't afford a lawyer, (people used to need lawyers to find out information, to draft up documents) now, with the internet, you can find a lot of that stuff online. Whether or not it's accurate, that's another story. But you can certainly gather information and educate yourself if you have access to the internet. Then there's the argument that maybe it would just be better if people made their own claims against other folks, and they

responded to claims that people made against them themselves as opposed to getting lawyers involved, because when lawyers get involved, things get much more complicated. You take a very simple situation and two people might be able to work it out. You involve lawyers, it becomes much more convoluted, and it takes a much greater amount of time to get that resolved. So yes there's an argument that we don't need lawyers. But the response to that is, you really can't have a justice system without lawyers because it's too complex for folks to navigate through by themselves. They don't understand the ramifications.

I'll give you an example. Here in the U.S. we could have someone who may have been charged with possession of marijuana. Without a lawyer they could say "yes, I'll take my one day in jail and move on," never thinking that it'll have any ramifications later. That young person then comes back to go to school at Texas Tech University and applies for financial aid. Well because they now have a conviction for possession of marijuana they're not eligible to receive any federal financial aid. Because they're not a lawyer, they're not trained in those things. They don't realize that just pleading guilty for that day carries greater ramifications. So yes they would need someone who was trained to be able to explain to them, someone to say "no, you don't need to do that, because it will hamper you later on."

People in businesses need lawyers to give them advice and help them comply with the law. It's not self-executing. You have to actually know how to navigate through these things. Legislatures have made the law, but if no one reads it, or has helped people understand it, then the law doesn't have any effect. So you have no law if you don't understand what the law is and are able to comply with it. You just have what people thought was going to be a good idea. And because you don't know what it is, it really is ineffective. People need lawyers to be able to assert their legal rights and challenge behavior by other people. Without access to interpretations of legal rights, there'd be less accountability. Landlords, merchants, police – no one would be held accountable. People could do whatever they wanted to do and there would be no way to have or seek redress against those folks. Nobody would have any oversight over what's going on.

So, you're talking to that minister, explaining to her that this system that we have here holds people accountable for their actions. And in holding people accountable, you then have a system that has some credibility. And that credibility feeds up from the lowest person, all the way up to the highest minister. Everybody is treated the same under this system. Lawyers play a fundamental part in constitutional

democracy. For people to trust the government, they have to have access to justice. In order for your government to have credibility, people have to believe that your government is just. If your justice system is not on point, people will have questions about your justice system which in turn will cause them to have questions about your entire government.

The minister asks, "If we have lawyers, how should we train them?" She's travelled to other countries. She's seen that in other countries they have apprenticeships. Here we have universities that educate lawyers, so she's trying to figure out which is going to be better for her country. If you have an apprenticeship, the benefit is that it actually gets you practicing law initially, right off the bat. You apprentice with someone who is licensed or a professional and you learn the profession from that individual. Folks who want to go to university or who are opposed to legal education say that that education takes too long and is expensive. Then there's the question about whether or not you can learn how to practice law at a university. A university teaches us to think critically, which is what you want as a lawyer. You want someone who thinks critically about the issues you present them with. University training also helps students develop skills through experiential learning. Here at the Texas Tech School of Law, we have clinics that students can participate in and they get hands-on experience, much like you would in an apprenticeship. You get experience representing clients which will help you be prepared to practice law when you leave. The other benefit to a university education is that at the end of this fine, three-year time period that you spent here, you get to take an exam to determine whether or not you have the minimal, basic skills to be able to practice law. There's a standard that you have to meet, as opposed to an apprenticeship where there may or may not be a standard. You don't want to just unleash folks onto the public who may not be qualified.

Next the minister asks, "Should we have a licensing system?" She's been to some places where lawyers have to have a license. She's also been to some countries where you apprentice for a certain amount of time and you're licensed or you are brought into that profession. And, if we're going to have a licensing system, what should we require? This brings in the argument that there should be a licensing system. The public needs protection from dishonest, greedy or incompetent people who would pretend to be experts. You need to protect the public by making sure that the folks who are going to be representing the general public are licensed. If you're going to take someone's money, you want to give your money to someone who has

actually demonstrated the minimum, basic standards in order to go forward and represent you properly. By requiring a license, you then require a gatekeeper to make sure there is a certain level of knowledge and skill that this person has attained in order to move forward.

People can say that the system in the US doesn't do a very good job of quality control because this same system that requires a license also has encountered many lawyers who are greedy, dishonest and incompetent. The difference is, if you have a licensing agency, when you run across those people, you can deal with them, and if they continue in that behavior, there are punishments available. If you don't have a licensing system, what do you do with someone who is greedy, dishonest and cheating the public? If you use that licensing system, who should be barred from being licensed to practice law? There are places where if you commit certain crimes, you're automatically disqualified from being able to seek a license. For other crimes you can actually have a hearing, request an opportunity to explain the situation and still possibly be allowed to practice. Should you disallow people who show evidence of dishonesty? Should it be on a graded scale or a curve? If you are very dishonest, you don't get to practice, but if you're just a little dishonest you do? If you're not intelligent enough to get through law school and pass the exam, should we license you anyway?

Those are questions the minister is going to have to answer when she returns home. Should your country license everybody? There's one argument that says you should license everybody because there's no reason to limit the number of attorneys that you have. This way you make sure that there's plenty of availability and options for the public. Another argument says that you should limit licensing because it means that you're going to have quality control and only the best will get through and get limited or get licensed. There's only so much legal business, you don't want to overflood the market with attorneys.

And the last thing, how should you have judges selected? Most judges in the US are selected by an election process whereby the judge has to campaign and solicit funds from the very people that will then appear in his or her court as an attorney. Some people have an issue with that. How fair or unbiased can you be when the person you're having a discussion with, that you're going to be making a ruling on their case, is the person who donated money to your campaign? Federal judges and other judges in others states are actually appointed for a lifetime, which removes that onus of having

to go out every year or every four years and campaign and raise money. Those folks are appointed, they're away from the influence and they can then just focus on being fair and impartial. These are some of the things you should consider when looking to establish a new judicial system in the country where the minister is from.

THE EQUATOR PRINCIPLES' RELATIONSHIP TO BUSINESS ETHICS AND HUMAN RIGHTS

Dr. Manuel Woersdoerfer Ph.d. Business Ethics, Goethe University, Frankfurt Germany, Instructor, Murdough Center for Engineering Professionalism

Today I'm going to present my latest research in the field of political CSR, Corporate Social Responsibility and the business and human rights debate. I am focusing on the Equator Principle (EP) frame, which is one of the most important CSR initiatives in the finance industry. The EPs are officially described as a voluntary and self-regulatory finance industry benchmark. They are used as a credit risk management framework for determining, assessing, and managing environmental and social risk in project finance transactions. The EPs are based on the International Finance Corporation's performance standards on environmental and social sustainability as well as the World Bank Group's environmental, health and safety guidelines. As of today, 84 financial institutions have adopted the CSR initiative and the EPs cover around 70-80 percent of international project finance debt in emerging markets and developing countries.

In 2013, the Credit Principles Association celebrated the 10th anniversary of the Credit Principles framework and at the same time, the formal launch of the third and latest generation of these principles, EP3. There are two major innovations with EP3, the latest generation of these principles. The first one is that the EPs aim at environmental stewardship or sustainability, which means they try to take on climate change and global warming mainly by reducing CO_2 emissions during the design, construction and operation of these projects and by evaluating less greenhouse gas in terms of these technologies and procedures. The second innovative element refers to the explicit acknowledgment and inclusion of John Ruggie's "Protect, Respect and Remedy" framework which forms the basis of the United Nation's Guiding Principles on Business and Human rights. In this sense, the Equator Principles aim at social sustainability, meaning that they mainly try to foster respect for the rights of project-affected communities in general and indigenous communities in particular. The EPs require the following: that every project that is financed under the EPs have a stakeholder engagement process or a stakeholder dialogue process in that indigenous communities and project-affected communities have to be informed about the potential environmental and social risks and the impacts that are associated with the respective project.

The main problem with the Equator Principles, including the latest version, is the limited impact and some might say that the practical failure is due to a lack of enforcement, monitoring and sanctioning mechanisms and a lack of adequate governance systems in general. Many Equator Principles financial institutions still engage in so-called 'dirty projects' or dodgy deals. That is, projects that have egregious impacts on the environment and project-affected communities. A further problem, as I see it, is that the Equator Principles, as well as the underlying John Ruggie framework, the "Protect, Respect, and Remedy" framework, have to be labeled as mainly a negative and impact-based concept of CSR, one which stands in contrast to a positive and leverage-based concept of CSR. According to the Equator Principles and the underlying Ruggie framework, states and not companies, are considered to be the primary and exclusive human rights duty bearers and trustees. This means that any positive duty to protect is part of the exclusive domain of nation states. Companies, on the other hand, only need to fulfill the negative duty to do no harm and the negative duty to respect human rights. If they want to engage in positive duties to protect and realize human rights, they can do so, but this is regarded as an optional and voluntary matter of corporate philanthropy.

I argue against this human rights minimalism, as I call it, and the move towards corporate volunteerism. I argue for a gradual transition from this negative and impact-based concept of CSR, towards a positive and leverage-based concept of CSR. In particular I argue for a move towards more mandatory and legally-binding human rights obligations for multinational companies in general and financial institutions in particular. Why financial institutions? What is so special about financial institutions and banks in the context of human rights but also in the context of climate change? Well, financial institutions are right at the center of the global, political economy. They link the financial sector and Wall Street with the real economy of so-called Main Street. And they are powerful actors in this global, political economy in the sense that they equal economic powerhouses and pacemakers that keep the economic blood circulation alive. By providing financial means, either in the form of bonds, shares, and loans, they have huge leveraged influence over their clients and their business partners. Banks in particular are those institutions that co-determine whether or not financial resources are used in an ethical and sustainable manner. And they are key actors in this transitional process towards an ethical and green economy. By rewarding with their money, they ideally help to catalyze this process towards economic, social and environmental sustainability.

Equator banks or Equator-principled financial institutions in particular have a huge leveraged influence over their clients. They not only have priority approval, but also they have approval over the life of the loan. And the reason for this is that they closely collaborate with their clients in order to set up and work out environmental and social risk assessments, impact assessment systems, management systems and action plans. This means that banks have a huge influence over their clients and they really are able to shape their clients' behavior on the ground. One way to exert leveraged influence could be by making use of so-called covenants. This means that through their contractual business relationships, banks could easily include environmental, social and human rights requirements or human rights clauses into their supply and value chain management system. These human rights clauses could include explicit references to stakeholder engagement, to project-level grievance mechanisms, and could impact benefit agreements. A further way to exert leveraged influence could be by making use of so-called divestment strategies, so that banks and other financial institutions can clearly communicate to their clients that they will divest and disengage from companies that constantly violate environmental, social, and human rights standards. In other words, in order to avoid being complicit, banks and financial institutions should clearly communicate that they will terminate all direct and indirect business relationships with their clients that are notorious for their detrimental and negative business practices.

Other means of corporate human rights advocacy or activism include speaking out against ongoing systematic and civilian human rights violations, engaging in the public human rights discourses, but also collaborating closely with NGOs and civil society organizations or simply making use of political power and authority and diplomatic channels that banks and other multinational organizations have available. In this sense, they could, for example, put pressure on perpetrators and abusive and authoritarian governments and threaten them with withdrawing their financial means from countries and from companies that are notorious for their detrimental and negative human rights impacts. Some researchers in the field of business and human rights have claimed that there's already a culture change on its way in the finance industry. But recent research conducted by finance NGOs, but also by my colleagues and by myself, has shown that most multinational banks, most multinational financial institutions show serious deficiencies in terms of their human rights agenda, in terms of their human rights policy. This is particularly true for setting up adequate stakeholder engagement and

other projects or process-level grievance mechanisms. But there's still hope in that there are some pioneering companies out there, especially in the Netherlands that could function as role models and could indicate this way towards a positive and leveraged concept of CSR. But the question remains whether these pioneering companies will remain niche players or whether they will be able to initiate a race to the top.

CHALLENGES OF CLIMATE CHANGE

Dr. Katherine Hayhoe, Center for Climate Science

This is a great panel because you have heard perspectives from all different sectors and what seemed to me to be one of the most salient messages to stand out was the fact that ethics is something for all of us to be concerned about. As a parent, ethics is one of my primary concerns when I teach my child. As a faculty member and a teacher, ethics is something I strive to instill into my students. But at the same time, as an apolitical observer of American politics I have to say that we live in a remarkable time when ethics, lack of ethics are being exhibited by people at the highest levels in society. So it is an enormous challenge to be talking about, to be trying to model, to be trying to instill ethics when we are not just living in a situation where there is a neutral perspective towards ethics but where there is active opposition to ethics. And again, that can happen at every level. It can happen at the level of an institution, of a corporation, of a region of a state, even of a country.

I am a climate scientist and I study, essentially, the physics of the planet. Now you may say, "The physics of the planet is the physics no matter what you think of it, no matter what your perspective, no matter what your ethics." And that is true. Doing science through the wrong motives or the right motives, you're going to end up with the same answer and the universe will be the same. But once in a while, a science comes along, a conclusion comes along that has stunning implications for us as a society and for the ethical and moral judgments that we have to make. Climate change is one of those.

I began my career studying astrophysics and in astrophysics there is no immediate moral decision to be made. There is, you know, the how many angels can dance on the head of a pin question of whether we should be searching for alien life or not; if it isn't going to be friendly. And that is a very interesting topic to discuss over beer at length, but there's no real moral urgency when you're studying astrophysics. I, on the other hand, after completing an undergraduate in that field, switched fields because of the urgency of a different issue that required the exact same set of skills. I still remember my shock to find out my final year of my undergraduate degree that climate modeling is all physics. And in fact the exact physics that I'd taken in astrophysics was what we used to study the planet.

It's basic chemistry that tells us that whenever we burn gas, coal or oil, it produces carbon dioxide. We've known this since the 1850s. That is not a typo. Yes, over a 170 years. We know that we've been

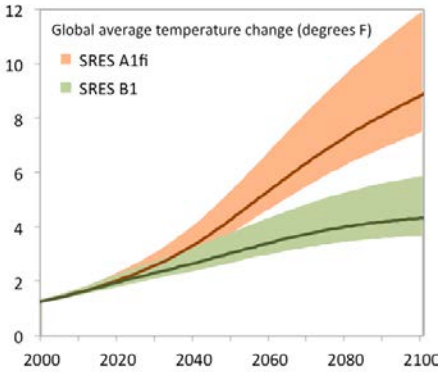
burning a lot of this stuff. And we know that fossil fuels powered the industrial revolution. We also know that, by and large, the industrial revolution was an extremely positive thing for us. We would not be here today if not for the benefits it brought us in terms of technology, lifestyle and the luxury to sit here and talk about things instead of being subjected to a grinding life where you work, you engage in manual labor from dawn to dusk and hope that you don't die at the age of 23.

This is what the science has showed us. We've been connecting the dots on this for a very long time to recognize the fact that the planet is warming. Last year was the warmest on record. Next year, this current year is going to be the warmest on record again. And when we look around the planet, it's not just a matter of thermometers and satellites, it's a matter of twenty-six and a half thousand indicators of a warming planet. Some of them in our own backyards. When is the peach tree flowering in the yard? Why do we have fire ants here when we didn't used to because our winters were too cold? We see these changes all around us. We also know, as scientists, it is our ethical duty to carefully check to see if there are any other causes for a warming planet that have nothing to do with humans. But we've been doing this type of ethical checking for a very long time.

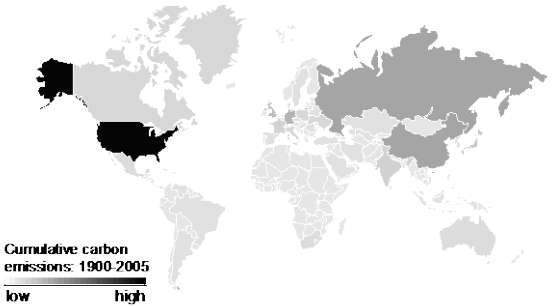
Joseph Fourier (1768-1830), John Tyndall (1820-1893), Svante Arrhenius (1859-1927), Guy Callendar (1898-1964) are the original scientists who discovered that burning coal and gas and oil produce carbon dioxide, that carbon dioxide wraps an extra blanket around the planet and traps heat, that human activities and human energy choices are increasing this extra blanket, and that the temperature of our planet is warming. These are the scientists who discovered that.

We have been carefully and ethically checking all the other natural suspects that have caused climate to change in the past. We know today that it isn't the sun causing us to warm because the sun's energy has been going down over the last 40 years, not up. We know that it can't just be natural cycles like El Niño because all they do is move heat around the planet. They don't cause the entire planet, from the bottom of the ocean to the top of the troposphere to warm. And, we know, that it can't be the earth's orbit because the next thing on our geologic agenda was another ice age. We are not still warming after the last ice age. We had peaked. We're on the long, slow slide into the next one. And that one, that long slow slide has stopped, which is a good thing for us humans but instead we're going incredibly fast in the opposite direction. And the last thing we know

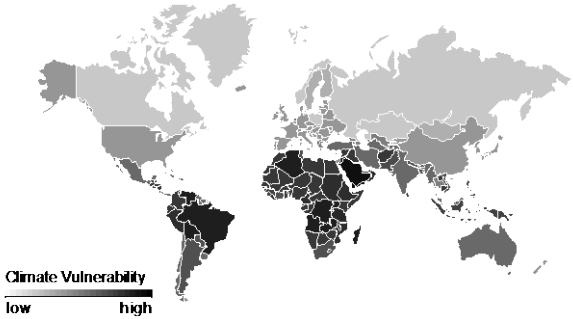
is that when we look to the future, we look to how much our planet is likely to warm in the future.



The shaded area is scientific uncertainty but the two different colored areas are not scientific uncertainty They are uncertainty regarding the choices humans will make regarding where we will get our energy from if we continue to depend on fossil fuels versus if we transition to clean sources of energy which we have so much of here in Texas. There will be a huge difference in the impact that has on our planet. And not just long-term. Did you know that burning fossil fuels, burning gas and coal and oil is already, today, responsible for over 200,000 deaths in the United States every year from air pollution? And burning fossil fuels is responsible for over 5.5 million deaths around the world. Those people are primarily the people who are disadvantaged, who cannot afford to buy a home in a nice part of town, who live in places where home prices are cheap because of the pollution. There are considerable ethics involved in how we respond to the issue of our energy choices and the issue of a changing climate. When we look for where all of these heat-trapping gasses have come from, if we add it all up over the last hundred years, there's one country that stands out.



And here is where the ethics hits the road, so to speak. Take the map above, fix this map in your head and now consider this second map that looks almost identical except it shows something different. It is not showing who's driving the problem, it is showing who is most vulnerable to its impacts.



These two figures, to me, embody the heart of the ethics of this issue. Is this fair? Is this just? Is this right? I don't think any of us who are humans sitting in this room or listening to this online, could answer yes to that question. I don't think that a kindergartener would answer yes to that question. Ethics is central, not so much to studying the science of an issue (although we want to study that science ethically and with integrity), but ethics is even more important to how we respond to what science tells us. Because this information demands a response. And we are seeing that.

We see that, for example, when we look at impacts. This is the work I do. I look at impacts. Due to sea-level rise, we stand to lose the Florida Keys and half the Everglades within this century, but Bangladesh stands to lose the area where 18 million people live and they grow half of their rice. Glacier National Park will have to be renamed within many of our lifetimes because it will have no glaciers left. But around the world, primarily in southeast Asia, and Latin America, there are a billion people who depend on glaciers for their water supply and when those glaciers are gone so too is their water.

The glacier that supplies the city of Lima, Peru with 8 million people in 1978 and again in 2004.

When we have a heatwave, our electricity bills go through the ceiling. But when we have heatwaves in other places, people die because they do not have the adaptations that we have. When we flood, it's terrible. The Baton Rouge flooding? We have friends who live there. They are still working on trying to restore their homes, trying to restore their infrastructure. We have insurance. We have the National Guard. We have people warning us and helping us to get out of the way. We have people who pitch in to help once the flood waters recede. What do they do when it floods in Pakistan and when it floods in islands in the South Pacific? The impacts are orders of magnitude more devastating. Did you know that this year, for the first time, the United States has experienced two separate sets of official climate refugees, people who have to leave their homes because of a change in climate. The first is a village called Newtok up in Alaska, where what used to be permanently frozen ground under their feet is thawing and crumbling and falling into the river and into the ocean, and they had to move. No one else really offered to help them. The second is another native American tribe, living in Louisiana, where the ground under their feet is literally sinking into

the ocean. For two reasons: number one, because sea level is rising, number two because of all the oil, gas and water that has been extracted from underground reservoirs. They also have to move. And again, no one is really helping them. The island of Tuvalu, is now almost over-topped during storms because of sea-level rise. New Zealand, last I heard, is taking about 75 people per year and that's not fast enough. When their island goes under, there will be nowhere for them to live.

You can see how ethics relate to this issue. That is why, when we hear spokespeople talking about climate change, it is no longer scientists, it is no longer the inter-governmental panel on climate change who are raising their voices, it is no longer just environmental organizations raising their voices. We are hearing the pope talking about climate change and doing so with unmistakable connections to ethics. We are hearing on the right, the National Association of Evangelicals in the United States speaking out on climate change and doing so specifically because it relates to impacts on the poor and the vulnerable. What can we do? How can we respond?

I'm going to offer three short thoughts to close with. Is it right to agree? Yes, we can agree that we're at risk whether we live in Texas or whether we live in Bangladesh. That is an ethical response to a changing climate. To, number one, acknowledge that the risk is real. To not say to our brothers and sisters who live on the other side of the world or even those who live right here in Texas who are less fortunate than us, not to say to them, "Oh you're just making it up. That can't be real." They're experiencing the personal impacts and the first thing we can do in an ethical response is agree with them. The second thing we can do is prepare for a changing future because things are changing, make no mistake. There are ways to change. And I am fortunate enough to work with Oxfam to look at ways that people living in developing countries can change to be more prepared for the future whether it is improved irrigation techniques like we developed here at Texas Tech to use less water. Whether it is floating villages they're putting in in the Netherlands so that when sea-level rises, you just put in a few more feet of anchor chain. The right thing to do is to prepare.

And then lastly, the last ethical thing I believe we need to do is to invest in the new clean energy economy. Whether it is wind turbines replacing aging oil rigs over here in West Texas. Or whether it's solar panels on thatched roof huts in Africa where they never had electricity to begin with. That is the ethical response. Because when you look at Africa and Southeast Asia and you say, but they should

be able to use all the coal and all the gas that they want to because that's the way we did it. That seemingly ethical argument completely ignores the fact that they don't have any with the exception of perhaps Nigeria and of course China itself. Africa and Southeast Asia only have six percent of the world's fossil fuels. And so is it ethical to encourage them to depend on a dirty, outdated source of energy that creates air pollution as well as climate change when there are new, clean ways to get our energy that are much more affordable and don't ever run out on us? This is how ethics relate to what I do and this is what I think about every day. I'm going to close with a quote from my favorite scientist, Jane Goodall. She said this statement only two years ago, and I thought it was remarkable because it perfectly sums up my own perspective on science: "It is only when our clever brain and our human heart work together in harmony that we can achieve our full potential."