

## SPECIAL COMMUNICATION

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# A Member of the Roy Rogers Riders Club Is Expected to Follow the Rules Faithfully

When I was five years old I joined The Roy Rogers Riders Club, along with every other kid in the neighborhood. I approached my first code of conduct with unbridled enthusiasm. Members, Roy said, were "expected to follow the rules faithfully." I tried. But I soon learned not only that I didn't follow them, but that I couldn't. Let me explain.

The first rule says "Be neat and clean." The seventh rule requires members to "Be kind to animals and care for them." My associates and I, all merely provisional members, decided to combine these rules by giving one filthy, flea-bitten, wildly enthusiastic St. Bernard a bath. Somehow, in the caring for animals part, I violated the neat and clean part. Nor was I ever informed that rule three, "Always obey your parents," even applied. As far as I knew, no parent ever said unto me "Don't bathe George in thy neighbors house."

The house, as I recall, required professional fumigation; the flea bites on my saddle partner's baby sister necessitated not one, but two emergency room visits, and his entire family spent a not-so-pleasant week at the Holiday Inn while stains were extracted, and the smells moderated. That occasioned my first philosophical reflections about rules of conduct. My punishment ensured that I had plenty of time for quiet meditation. I love Roy Rogers. I wanted to follow his rules faithfully. In this case, very close to home, they clashed one with the other. What was the trouble? Was I just a bad kid?

The Norwegian writer Roald Dahl succinctly states one possibility: "The trouble with people," he says, "is that they're just no damn good." What makes people no good? Neither Dahl's claim, nor this follow-up question is clarified by adding "I mean no good at bathing St. Bernard's," "no good at keeping clean," or "no good at obeying parents." Dahl's claim is different; the question more basic. Answers should provide some overall account of value: of what it means to be a good or a bad person in general, or what it means to act rightly or wrongly in general. But I never act 'in general.' So one might wonder if defensible answers to such fundamental questions about basic values are ever forthcoming.

In a pessimistic mood, it's easy to summarize humanity's lowest-common-denominator answer. I saw this answer in black and white through the bad guy's actions every week on Roy Rogers' TV show. 'Right,' the outlaws seemed to say, is whatever I can get away with, and 'wrong' is whatever gets me in trouble. Given this practical guidance, 'the good life' becomes a life measured by its

success in avoiding trouble. A no-good life, by contrast, is a life filled with trouble.

In such a black-and-white world, values are simple: ethics is etiquette, morality is mores, conduct is conformity, reason is rationalization, and human conflicts reduce to clashing tantrums spewing personal prejudice. Ethics and morality simply warn us what to avoid. The pious cautions of rules and codes offer mere guidelines for the weak. After all, the desperadoes said, weaklings can't satisfy their every desire and get away with doing it at the same time.

Maybe Dahl has a point. Maybe the vast majority of humans believe these things about life, its character, and its conduct. Maybe not. But regardless of what folks actually believe, the lowest-common-denominator theory of value, the world it describes, and the life it entails has trouble of its own: it's just no damn good. I'm sure Roy Rogers would agree.

As forensic scientists, we know that we can't merely assert opinions in court without explaining their scientific basis. In the same way, Roy's and my conclusion about values also requires support. But where could we find such support in a world where all values are simply subjective? What would this support look like? Should we ask Dale Evans, our bosses, or our boards of directors? What makes their opinions any better or any worse than Howard Stern's or Oliver North's? In such a world, nothing. The word 'better' can only mean that it's their opinion. The point is that we can find no support at all if value judgments reduce to mere opinions existing beyond the realm of rational investigation.

In a world like this, it's easy to see why forensic scientists would be uncomfortable in a discussion of basic values: the discussions can not be rational at all. There can be no appeal to evidence, no assessment of logic, and no review of method. There can be no appeal to facts. There just aren't any available for the appeal. The clarion call to retreat for a scientist is to save rationality by divorcing facts and values, to save science from the bloody chaos of subjectivity by announcing that science is "value neutral." In such a world, values are irrational orphans, homeless vagrants adopted by either well-meaning or malevolent special interests.

I don't think that we live in such a world. Careful thinking scientists ought to resist these simplistic accounts of both science and values. But to save rationality through the divorce of fact and value only makes matters worse. This well-intentioned retreat from battle relegates the thoughtful investigation of values to the ash heap of prejudicial whim, abandoning ethics to the rationally wounded, intellectually dead victims of a subjectivist's ambush.

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I think that the rational methods of science have a great deal to offer to the rational discussion of values. Every instinct to embrace a world of reason and repel a world of caprice is on target. But to reject values as a proper area for rational investigation in order to reject simplistic subjectivity, is to incinerate the dog to kill the fleas. It is to dismiss at least 2000 years of the rational practice known as philosophy. In fact, what we now call natural science was once called natural philosophy. It wasn't until 1840 that the philosopher William Whewell first coined the term 'scientist' in his book *On Induction*. If he hadn't, we might now all suffer with the title "forensic natural philosopher." The analytical methods of mathematics and natural science have their roots in the analytical methods of philosophy.

Philosophers whose specialty is ethics have investigated values by wondering what kind of person to be, and how, consistently, to become that person. They have applied, assessed, and refined rational methods to investigate and analyze the nature of distinctly human moral values. The word ethics actually derives from the Greek *ethos* which means character. Ethics has always had a practical purpose: to inform us how we ought to live. Does having the right values make any practical difference in the conduct of our lives? The question makes no distinction between personal and professional life. Human values, philosophers found, lay behind every distinctly rational human enterprise. Science and rational method provide examples.

Human values can be of two sorts: moral values and non-moral values. "Pat Bradey makes good pancakes," "that's a bad bagel," or "you're wrong, the plenary starts at nine" express values of a non-moral sort. They refer to something being good or bad, right or wrong, but unlike moral value judgments, they don't refer to morally right or wrong *behavior*.

Obviously, then, not all judgments of value are about the same things, or the same type of judgment: "How do you feel about pancakes?" and "How do you feel about faked lab reports?" may appear to make the same request. Both may ask for a judgment of value, but only the latter asks for a moral judgment. They can not be answered as if, in both instances, personal preference or individual taste is all that matters. Mere feelings about faked lab reports are neither relevant nor important if the question really is: "What makes faking a lab result right or wrong?" The quest in ethics is for practical guidance. Psychological inventories have little practical value.

As scientists, perhaps it's natural for us to understand moral values by first thinking about non-moral scientific virtues. It isn't long before the two connect. Scientific virtues, implicitly or explicitly, guide the practice of forensic science. What counts as *good* forensic science? A list of virtues might include: independence, impartiality, completeness, coherence, clarity, consistency, and truthfulness

The first practical question is what do these things mean? Independent from what? Impartial in what sense? Complete for what? And so on. The second practical question becomes why *should* we actually *do* these things once we understand their recommendations? How does forensic science, when incorporating these proposed virtues, differ from forensic practices lacking them? One obvious reply is that more reliable results attach to practices incorporating these virtues. An unsympathetic professor might tell a student, "You had better figure out what these virtues mean and how to recognize them if you ever want to be a *good* forensic scientist." It's not as easy to untangle 'good science' from 'good scientist' as it might seem.

It is not unusual for a forensic scientist to develop evidence

contrary to the interests of an employer. Here the virtues of *good* forensic science may conflict with other competing and powerful interests. *Now* who decides what counts as *good* science, the employer paying for the work, or the scientist responsible for the work and its results? The answer is clear, *given* certain virtues. The scientist *ought* to decide. But this answer is not scientific, it's ethical. It's not a non-moral value judgment, it's about human behavior in the moral sense. So forensic scientists can't be value neutral in either the non-moral or the moral sense and still hope to function as forensic scientists.

To be *good* forensic scientists, we must learn to *think* about what we do just as carefully as we *do* what we do. Forensic science, like any rational human enterprise, requires much more than just blindly following protocols, or rules. It requires being a certain sort of person; it requires having what the Greeks called *ethos*.

Developing *ethos* is no less than developing individual moral character. Ethical codes and rules of conduct supply practical moral guidance, to assist people to become the *right* sort of person. But these practical rules of thumb require unambiguous ethical foundations, or conflicts soon develop. They may lose their practical value. I learned that when I joined the Roy Rogers Riders Club. There's a problem just applying one rule and ignoring the others. There's also a problem satisfying their apparently conflicting demands. That, my parents insisted, required *good* judgment, a quality that at five I was obviously lacking. It requires, among other things, *ethos*. The other requirements include the abilities to think, to analyze, and to evaluate the demands of the rules for ones self.

Thinking for ones self does not mean creating an isolated, individual world. It does not require a retreat to what philosophers have called subjective relativism, a move to the world that I rejected above. Our scientific virtues of impartiality and independence practically demand that other scientists, faced with the same data, *could* independently derive the same conclusions. That makes our results, in principle at least, testable. There is no obvious requirement that every other scientist *will* in fact derive identical conclusions. We know that forensic experts sometimes disagree when faced with what appears to be the same data. But these complexities can, in principle at least, be sorted out, and put on the table for all to see and assess for themselves. There is nothing obviously different about ethical complexities. There is no requirement that to achieve rational resolutions, everyone has to agree. The only requirement remains that everyone think for themselves with scientific precision.

To think for ones self ethically, I find it helpful to acknowledge this parallel between ethical problems and the most challenging problems of forensic science. No less is demanded of our thinking in the ethical arena. In fact, even more is demanded. How we think about scientific puzzles reveals much about who we are as scientists. I would go so far as to say that how we derive our scientific results is more important than the results themselves. That's all that measures us as *good* scientists. Charlatans can accidentally get the right answers. The point is that they get them for all the wrong reasons, and that's what makes them *bad* scientists.

While acknowledging a parallel, it's also important to recognize some differences. Philosophers who study normative ethics investigate theories about what *makes* an act morally right, or morally wrong. They also investigate the conditions required for any good moral theory. Simply facing ethical problems does not make someone a moral philosopher any more than simply falling off a horse

makes someone a classical physicist. Sometimes things get complicated enough to require an expert. We all feel uncomfortable, or at least we *ought* to, when asked to apply an expertise that we lack. Again, sticking my neck out, I would say that we have a *moral* obligation not to proclaim our opinions as if they carried unusual weight when the opinions are unfounded, beyond our educational limits, or otherwise unsupported by the evidence.

An ethical code is just such a complexity. As important as codes are, there are good reasons for believing them to be insufficient for practical matters. I eventually joined the Cub Scouts. They supplied another code. Which code was I obligated to accept? Such codes need not be equivalent. For example, the AMA Principles of Medical Ethics says nothing about abortion, but the Directives for Catholic Hospitals explicitly prohibits abortion. The claim that it doesn't matter which code we adopt as long as we pick one or the other sends us right back to subjective relativism. If such matters are in fact arbitrary, then there is no point to having any codes at all.

Sometimes the rules expressed by a code conflict with other deeply held moral beliefs. The Hippocratic Oath explicitly forbids both euthanasia and abortion. However many physicians believe that these may, under certain circumstances, be morally permissible actions. How do we resolve the conflict? The appeal must clearly be to fundamental principles nowhere stated in the codes themselves. There is clearly a practical need for clarity about these fundamental principles. In that sense, at least, we must act 'in general' after all.

Ethical codes may also include rules that do not involve moral principles. The most famous example is the section of the Hippocratic Oath requiring a physician to keep medical knowledge secret from the public. The AMA Code of Ethics also says that "A physician should practice a method of healing founded on a scientific basis, and he should not voluntarily associate professionally with anyone who violates this principle." Does this mean that it is *morally* wrong to associate with chiropractors in treating patients? Maybe in some cases the answer is yes, maybe in others, it's no. But the point is that the rules may incorporate non-moral values which in turn raise moral questions not addressed by the codes themselves.

Codes are never self-justifying. We can always ask about each rule "why accept this one?" It won't work to answer "because it's a principle of the Roy Rogers Riders Club, the Hippocratic Oath, or the AMA Code of Ethics." We can coherently ask "yes, but why is it a *good* rule?" When the practical difficulties of applying a code of ethics are considered, it is easy to see that they are never substitutes for robust ethical theories. Despite our desires to have moral problems simplified and solved by checking a shopping list of right actions, practical matters in this world are not quite so easily settled.

In our Academy's code of conduct, noble efforts have been undertaken by the Ethics Committee to begin weaving together the virtues of being *good* forensic science with the virtues of being *good* forensic scientists. The union must satisfy our practical demands. When we hold our code up for rational examination and possible development, I remember my experiences with the Roy Rogers Riders Club Rules. The foundations and principles of application must be as clear and unambiguous as the rules themselves. When a *good* code is characterized as "desirable, feasible, enforceable, and enforced," we must ask 'desirable, in what senses?' 'Feasible for what, exactly?' 'What needs enforcing?' 'Are their things that a *good* code *should* require of Academy members that either shouldn't, or couldn't be enforced?'

Rule number ten, from the King of the Cowboys, says "Always respect our flag and our country." I like to think that I was clever enough at five to do that while giving George a bath. The fact is that I wasn't. But that was about the only thing for which I successfully avoided censure. As I saw it, this was something else that I had failed to keep consciously in mind. But it wasn't enforced. The only way anyone could tell if rule ten were broken would be to witness some blatantly disrespectful action. Even that required some interpretation of 'disrespect' not addressed in the rules themselves. There was more to this "expected to follow the rules faithfully" stuff than I ever dreamed.

My obvious trouble with the stiff requirements for membership in this club eased over time with more examples from further Roy Rogers episodes, not to mention learning practical skills of proper dog washing and the meaning of 'good judgment.' Cases raise questions as well as supply answers, and if I'm right, only difficult cases give rise to the need for ethical theories in the first place. Whichever ethical theory is up for analysis, the exact nature and status of its rules must be as clear as the rules themselves. Luckily for me, my actions, the results of my misadventure with George, never became the sum total of who I was, or who I am now. My thinking about these rules, not the answers, but how I got to them, has more to say about *ethos* than a dirty house and a speckled baby.

In keeping with a rich philosophical tradition, I leave you with more questions than answers. That's not because there aren't answers to give. It's because thinking about them for ourselves is one of the unwritten rules for membership in the human race. So why act rightly and not wrongly? Aristotle, the first scientist in western tradition, argues that acting wrongly destroys the rational soul. It's just plain bad for our health. Roy Rogers, my own first encounter with the western tradition, adds that while it doesn't do much for carpeting or complexions, acting wrongly *can* promote learning. To make matters worse, in the world I live in at least, even doing the right thing can get you into trouble.

The path to a code of ethics may be bumpy, dusty, and fraught with peril. None-the-less, through applying familiar hard-headed, rational methods of science, we can fend off the outlaws and blaze a productive trail to a clear, consistent, uniform ethical code of practical value to members of the American Academy of Forensic Sciences. That's what the western tradition of The Roy Rogers Riders Club calls "Happy Trails."

## Endnotes

### *Roy Rogers Riders Rules*

1. Be neat and clean.
2. Be courteous and polite.
3. Always obey your parents.
4. Protect the weak and help them.
5. Be brave but never take chances.
6. Study hard and learn all you can.
7. Be kind to animals and care for them.
8. Eat all your food and never waste any.
9. Love God and go to Sunday School regularly.
10. Always respect our flag and our country.

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