

Michael S. Pritchard's Commentary on "A Second Story"

Commentary On A Second Story

In this case, it is very important to sort out the ethical questions facing Deborah and more general questions about what would be a desirable outcome. If, in fact, a second story was added to the house and it is the desire of the church, its new owner, to preserve the house in as close to its original form as possible, then removal of the newer section of the house would be a desirable outcome. Furthermore, if the background information about the motivations of previous owners of the house is reliable, we might add that justice is on the side of the church as well. However, as a graduate researcher and consultant in the field of historic preservation, Deborah must focus more specifically on her role in this controversy.

It is noted that "the preservation code clearly indicates that unalterable changes should not be recommended unless there is clear evidence." The rationale for this provision would seem to be that once an unalterable change is made, there is no going back. That is, if it turns out that the unalterable change is a mistake, the preservation project fails in a fundamental respect. In the present case, if the second story is destroyed and it later is confirmed that it was part of the original house, the effort to preserve the house in its original form fails. So, recommending the removal of the second story is a matter of crucial importance for the preservation project.

The case also indicates that, absent Henry's testimony, Deborah does not have enough evidence to recommend demolition. Should Deborah include his remarks to her in making her assessment? This question can be approached from two vantage points. The first focuses solely on the evidence; the second focuses on Deborah's relationship with Henry and the likely consequences of including his remarks in her considerations. I will explore these in turn.

Will the inclusion of Henry's remarks make the evidence strong enough to recommend removal of the second story? Here, I think, it is important to distinguish

what Deborah believes is the case from the strength of available evidence. Given the rapport between Deborah and Henry, it is likely that Deborah believes that Henry is being truthful with her. Whether this means she also believes he is accurately recalling what his mother said is another matter. It is possible that Henry, though well-intentioned and sincere, has a mistaken memory. It seems important for Deborah to try to look at matters from the perspective of a preservationist who has not had a personal relationship with Henry. She could go to her adviser to discuss the question of evidence. She need not identify Henry as someone who has confided in her. She can put her questions quite hypothetically: "If someone in the family were to tell me privately that he or she had good reason to believe that a second story was added, could that count as strong evidence in favor of the hypothesis that a second story was, in fact, added? How would this claim be affected by the denials of other family members? Does it matter whether the family member would be willing to make his or her statement publicly?"

My guess, but it is only that, is that her adviser would say that the family member's remarks should not be regarded as evidence in themselves. However, they might well provide one with strong motivation to search for additional physical evidence that the second story was added to the original house. Absent further physical evidence, demolition of the second story should not be recommended. The adviser could also point out that, if clear evidence appears later, the second story can be removed. But if it is removed now and clear evidence shows up confirming that it was part of the original house, the mistake could not be undone.

In making her assessment, Deborah should also consider including Henry's remarks from the vantage point of her relationship with him and the likely consequences of relying on his statement in making her recommendation. As noted, absent Henry's statement, the evidence is not sufficient to warrant recommending the removal of the second story. If she allows Henry's remarks to affect her recommendation but keeps Henry's remarks confidential, she will not be able to show others that a recommendation to remove the second story is sound. However, I have also suggested that even the inclusion of his remarks will not, by itself, warrant this recommendation.

Given these facts, it seems inappropriate for Deborah to reveal Henry's remarks to others. He requested confidentiality. Although he is not Deborah's "client," respecting someone's request for confidentiality carries some moral weight in itself. Even when one cannot appeal to a professional code of ethics for support,

confidentiality should not be breeched without good reason. A likely consequence of making Henry's remarks public would be the sort of breakdown in communication and relationships predicted in the concluding paragraph of the narrative.

Deborah might be disappointed with the conclusion that she should not recommend the demolition of the second story of the house, but she should not view this conclusion as necessarily ending the matter. Her report should include not only the final recommendation, but also the reasoning that led to the recommendation. Assuming that there is *some* evidence that the second story was not part of the original structure, she certainly can include that evidence in her report. Not recommending that the second story be demolished is not equivalent to strongly recommending that large sums of money be invested in preserving the second story - or, at least, not in a way that could not be undone should stronger evidence show up later.