

Introduction to Ethics

No man is an island, entire of itself; every man is a piece of the continent, a part of the main. If a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friend's or of thine own were. Any man's death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee.

-JOHNDONNE, *Meditation XVII*

2.1 Introduction

IMAGINE HOVERING ABOVE THE EARTH in a spacecraft on a cloudless night. Looking down upon our planet, you see beautiful constellations of artificial light (Figure 2.1). The stars in these incandescent galaxies are our communities.

Forming communities allows us to enjoy better lives than if we lived in isolation. Communities facilitate the exchange of goods and services. Instead of each family assuming responsibility for all of its needs, such as food, housing, clothing, education, and health care, individuals can focus on particular activities. Specialization results in higher productivity that increases everyone's quality of life. Communities also make people more secure against external dangers.

There is a price associated with being part of a community. Communities prohibit certain actions and make other actions obligatory. Those who do not conform to these prohibitions and obligations can be punished. Still, the fact that people *do* live

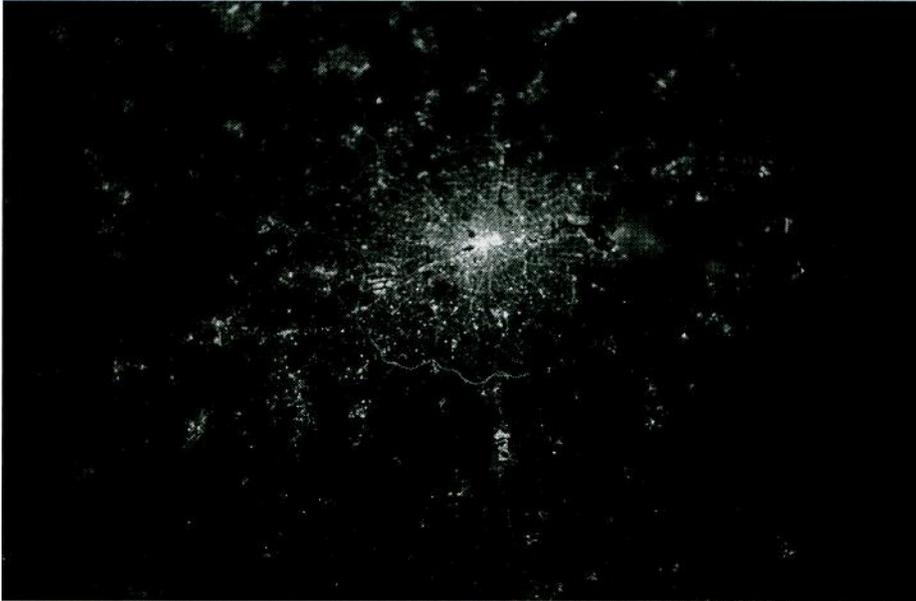


FIGURE 2.1 Looking down on London, England, at night from space. (Courtesy of NASA)

in communities is strong evidence that the advantages of community life outweigh the disadvantages.

Responsible community members take the needs and desires of other people into account when they make decisions. They recognize that virtually everybody shares the "core values" of life, happiness, and the ability to accomplish goals. People who respect only their own needs and desires are taking the selfish point of view. Moving to the "ethical point of view" requires a decision that other people and their core values are also worthy of respect [1].

People who take the ethical point of view may still disagree over what is the proper course of action to take in a particular situation. Sometimes the facts of the matters are disputable. At other times, different value judgments arising from competing ethical theories lead people to opposite conclusions. For this reason, it is worthwhile to have a basic understanding of some of the most popular ethical theories. In this chapter we will describe the difference between morality and ethics, discuss a variety of ethical theories, evaluate their pros and cons, and show how to use the more viable ethical theories to solve moral problems.

2.1.1 Defining Terms

A society is an association of people organized under a system of rules designed to advance the good of its members over time [2]. Cooperation among individuals helps promote the common good. However, people in a society also compete with each other;

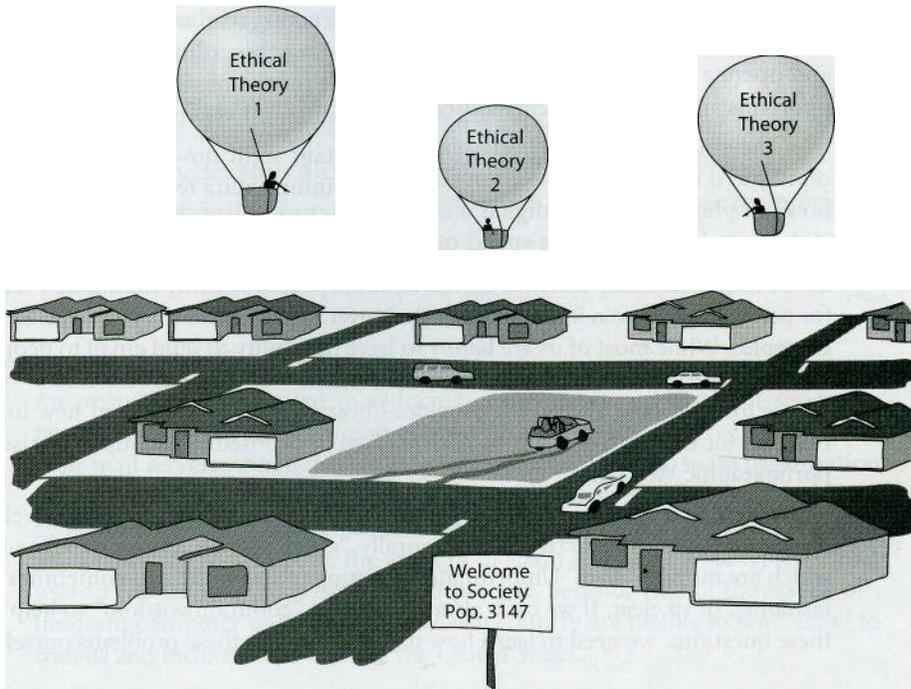


FIGURE 2.2 An analogy explaining the difference between ethics and morality. Imagine society as a town. Morality is the road network within the town. People doing ethics are in balloons floating above the town.

for example, when deciding how to divide limited benefits among themselves. Sometimes the competition is relatively trivial, such as when many people vie for tickets to a movie premiere. At other times the competition is much more significant, such as when two start-up companies seek control of an emerging market. Every society has rules of conduct describing what people ought and ought not to do in various situations. We call these rules morality.

A person may simultaneously belong to multiple societies, which can lead to moral dilemmas. For example, what happens when a pacifist (according to the rules of his religion) is drafted to serve in the armed forces (according to the laws of his nation)?

Ethics is the philosophical study of morality, a rational examination into people's moral beliefs and behavior. Consider the following analogy (Figure 2.2). Society is like a town full of people driving cars. Morality is the road network within the town. People ought to keep their cars on the roads. Those who choose to "do ethics" are in balloons floating above the town. From this perspective, an observer can evaluate individual roads (particular moral guidelines) as well as the quality of the entire road network (moral system). The observer can also judge whether individual drivers are staying on the roads (acting morally) or taking shortcuts (acting immorally). Finally, the observer

can propose and evaluate various ways of constructing road networks (alternative moral systems). While there may in fact be a definite answer regarding the best way to construct and operate a road network, it may be difficult for the observers to identify and agree upon this answer, because each observer has a different viewpoint.

The study of ethics is particularly important right now. Our society is changing rapidly as it incorporates the latest advances in information technology. Just think about how cell phones, portable digital music players, laptop computers, and the World Wide Web have changed how we spend our time and interact with others! These inventions have brought us many benefits. However, some people selfishly exploit new technologies for personal gain, even if that reduces their overall benefit for the rest of us. Here are two examples. While most of us are happy to have the ability to send email to people all over the world, we are dismayed at the amount of spam—unsolicited bulk email—we receive. Access to the World Wide Web provides libraries with an important new information resource for their patrons, but should children be exposed to pop-up advertisements for pornographic Web sites?

When we encounter new problems such as spam or pornographic Web sites, we need to decide which activities are morally "good," which are morally "neutral," and which are morally "bad." Unfortunately, existing moral guidelines sometimes seem old-fashioned or unclear. If we can't always count on "common wisdom" to help us answer these questions, we need to learn how to work through these problems ourselves.

2.1.2 Four Scenarios

As an initiation into the study of ethics, carefully read each of the following scenarios. After reflection, come up with your answer to each question.

•^ SCENARIO 1

Alexis, a gifted high school student, wants to become a doctor. Because she comes from a poor family, she will need a scholarship in order to attend college. Some of her classes require students to do extra research projects in order to get an A. Her high school has a few older PCs, but there are always long lines of students waiting to use them during the school day. After school, she usually works at a part-time job to help support her family.

One evening Alexis visits the library of a private college a few miles from her family's apartment, and she finds plenty of unused PCs connected to the Internet. She surreptitiously looks over the shoulder of another student to learn a valid login/password combination. Alexis returns to the library several times a week, and by using its PCs and printers she efficiently completes the extra research projects, graduates from high school with straight As, and gets a full-ride scholarship to attend a prestigious university.

Questions

1. Did Alexis do anything wrong?
2. Who benefited from Alexis's course of action?

3. Who was hurt by Alexis's course of action?
4. Did Alexis have an unfair advantage over her high school classmates?
5. Would any of your answers change if it turns out Alexis did not win a college scholarship after all and is now working at the Burger Barn?
6. Are there better ways Alexis could have accomplished her objective?
7. What additional information, if any, would help you answer the previous questions?

SCENARIO 2

An organization dedicated to reducing spam tries to get Internet service providers (ISPs) in an East Asian country to stop the spammers by protecting their mail servers. When this effort is unsuccessful, the anti-spam organization puts the addresses of these ISPs on its "black list." Many ISPs in the United States consult the black list and refuse to accept email from the blacklisted ISPs. This action has two results. First, the amount of spam received by the typical email user in the United States drops by 25 percent. Second, tens of thousands of innocent computer users in the East Asian country are unable to send email to friends and business associates in the United States.

Questions

1. Did the anti-spam organization do anything wrong?
2. Did the ISPs that refused to accept email from the blacklisted ISPs do anything wrong?
3. Who benefited from the organization's action?
4. Who was hurt by the organization's action?
5. Could the organization have achieved its goals through a better course of action?
6. What additional information, if any, would help you answer the previous questions?

SCENARIO 3

In an attempt to deter speeders, the East Dakota State Police (EDSP) installs video cameras on all of its freeway overpasses. The cameras are connected to computers that can reliably detect cars traveling more than five miles per hour above the speed limit. These computers have sophisticated image recognition software that enables them to read license plate numbers and capture high-resolution pictures of vehicle drivers. If the picture of the driver matches the driver's license photo of one of the registered owners of the car, the system issues a speeding ticket to the driver, complete with photo evidence. Six months after

the system is put into operation, the number of people speeding on East Dakota freeways is reduced by 90 percent.

The FBI asks the EDSP for real-time access to the information collected by the video cameras. The EDSP complies with this request. Three months later, the FBI uses this information to arrest five members of a terrorist organization.

Questions

1. Did the East Dakota State Police do anything wrong?
2. Who benefited from the actions of the EDSP?
3. Who was harmed by the actions of the EDSP?
4. What other courses of action could the EDSP have taken to achieve its objectives? Examine the advantages and disadvantages of these alternative courses of action.
5. What additional information, if any, would help you answer the previous questions?

SCENARIO 4

You are the senior software engineer at a start-up company developing an exciting new product that will allow salespeople to generate and email sales quotes and customer invoices from their smartphones.

Your company's sales force has led a major corporation to believe your product will be available next week. Unfortunately, at this point the package still contains quite a few bugs. The leader of the testing group has reported that all of the known bugs appear to be minor, but it will take another month of testing for his team to be confident the product contains no catastrophic errors.

Because of the fierce competition in the smartphone software industry, it is critical that your company be the "first to market." To the best of your knowledge, a well-established company will release a similar product in a few weeks. If its product appears first, your start-up company will probably go out of business.

Questions

1. Should you recommend release of the product next week?
2. Who will benefit if the company follows your recommendation?
3. Who will be harmed if the company follows your recommendation?
4. Do you have an obligation to any group of people that may be affected by your decision?
5. What additional information, if any, would help you answer the previous questions?

Reflect on the process you used in each scenario to come up with your answers. How did you decide if particular actions or decisions were right or wrong? Were your reasons consistent from one case to the next? Did you use the same methodology in more than one scenario? If someone disagreed with you on the answer to one of these questions, how would you try to convince that person that your position makes more sense?

Ethics is the rational, systematic analysis of conduct that can cause benefit or harm to other people. Because ethics is based in reason, people are required to explain *why* they hold the opinions they do. This gives us the opportunity to compare ethical evaluations. When two people reach different conclusions, we can weigh the facts and the reasoning process behind their conclusions to determine the stronger line of thinking.

It's important to note that ethics is focused on the *voluntary, moral* choices people make because they have decided they ought to take one course of action rather than an alternative. Ethics is not concerned about involuntary choices or choices outside the moral realm.

For example, if I am ordering a new car, I may get to choose whether it is red, white, green, or blue. This choice is not in the moral realm, because it does not involve benefit or harm to other people.

Now, suppose I'm driving my new, red car down a city street. A pedestrian, obscured from my view by a parked car, runs out into traffic. In an attempt to miss the pedestrian, I swerve, lose control of my car, and kill another pedestrian walking along the sidewalk. While my action caused harm to another person, this is not an example of ethical decision-making, because my decision was a reflex action rather than a reasoned choice.

However, suppose I did not have full control of the car because I had been driving while intoxicated. In that case the consequences of my voluntary choice to drink affected another moral being (the innocent pedestrian). Now the problem has entered the realm of ethics.

2.1.3 Overview of Ethical Theories

The formal study of ethics goes back at least 2,400 years, to the Greek philosopher Socrates. Socrates did not put any of his philosophy in writing, but his student Plato did. In Plato's dialogue called the *Crito*, imprisoned Socrates uses ethical reasoning to explain why he ought to face an unjust death penalty rather than take advantage of an opportunity to flee into exile with his family [3].

In the past two millennia, philosophers have proposed many ethical theories. In this chapter we review some of them. How do we decide if a particular theory is useful? A useful theory allows its proponents to examine moral problems, reach conclusions, and defend these conclusions in front of a skeptical, yet open-minded audience (Figure 2.3).

Suppose you and I are debating a moral problem in front of a nonpartisan crowd. You have concluded that a particular course of action is right, while I believe it is wrong. It is only natural for me to ask you, "Why do you think doing such-and-such is right?" If you are unable to give any logical reasons why your position is correct, you are unlikely

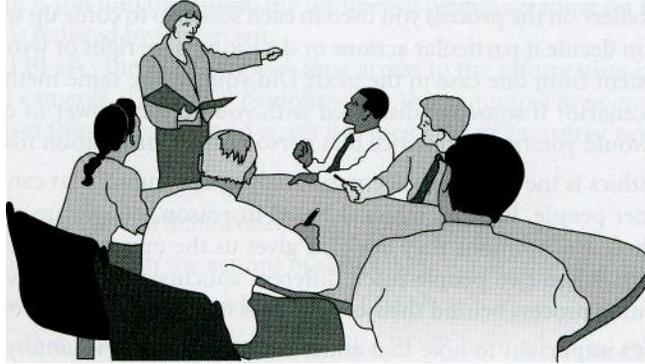


FIGURE 2.3 A good ethical theory should enable you to make a persuasive, logical argument to a diverse audience.

to persuade anyone. On the other hand, if you can explain the chain of reasoning that led you to your conclusion, you will be more likely to convince the audience that your position is correct. At the very least you will help reveal where there are disputed facts or values. Hence we will reject proposed ethical theories that are not based on reasoning from facts or commonly accepted values.

In the following sections we will consider eight ethical theories—eight frameworks for moral decision-making. We will present the motivation or insight underlying each theory, explain how it can be used to determine whether an action is right or wrong, and give the "case for" and the "case against" the theory. The workable theories will be those that make it possible for a person to present a persuasive, logical argument to a diverse audience of skeptical, yet open-minded people.

The principal sources for these brief introductions to ethical theories are *Ethical Insights: A Brief Introduction, Second Edition* by Douglas Birsch [4] and *The Elements of Moral Philosophy, Fourth Edition* by James Rachels [5]. Consult one or both of these books if you'd like to explore any of these theories in greater depth.

2.2 Subjective Relativism

Relativism is the theory that there are no universal moral norms of right and wrong. According to this theory, different individuals or groups of people can have completely opposite views of a moral problem, and both can be right. Two particular kinds of relativism we'll discuss are subjective relativism and cultural relativism.

Subjective relativism holds that each person decides right and wrong for himself or herself. This notion is captured in the popular expression "What's right for you may not be right for me."

2.2.1 The Case for Subjective Relativism

1. *Well-meaning and intelligent people can have totally opposite opinions about moral issues.*

For example, consider the issue of legalized abortion in the United States. There are a significant number of rational people on each side of the issue. Subjective relativists would contend that the reason people cannot reach the same conclusion is that morality is not like gravity; it is not something "out there" that rational people can discover and try to understand. Instead, each of us creates his or her own morality.

2. *Ethical debates are disagreeable and pointless.*

Going back to the example of abortion, the debate in the United States has been going on for more than 30 years. An agreement about whether abortion is right or wrong may never be reached. Nobody is all-knowing. When faced with a difficult moral problem, who is to say which side is correct? If morality is relative, we do not have to try to reconcile opposing views. Both sides are right.

2.2.2 The Case against Subjective Relativism

1. *With subjective relativism the line between doing what you think is right and doing what you want to do is not sharply drawn.*

People are good at rationalizing their bad behavior. Subjective relativism provides an ideal last line of defense for someone whose conduct is being questioned. When pressed to explain a decision or action, a subjective relativist can reply, "Who are you to tell me what I should and should not do?" If morality means doing whatever you want to do, it doesn't mean much, if it means anything at all.

2. *By allowing each person to decide right and wrong for himself or herself, subjective relativism makes no moral distinction between the actions of different people.*

The fact is that some people have caused millions to suffer, while others have led lives of great service to humanity. Suppose both Adolf Hitler and Mother Teresa spent their entire lives doing what they thought was the right thing to do. Do you want to give both of them credit for living good lives?

A modification of the original formulation of subjective relativism might be: "I can decide what's right for me, as long as my actions don't hurt anybody else." That solves the problem of Adolf Hitler versus Mother Teresa. However, as soon as you introduce the idea that you shouldn't harm others, you must come to an agreement with others about what it means to harm someone. At this point the process is no longer subjective or completely up to the individual. In other words, a statement of the form "I can decide what's right for me, as long as my actions don't hurt anyone else" is inconsistent with subjective relativism.

3. *Subjective relativism and tolerance are two different things.*

Some people may be attracted to relativism because they believe in tolerance. There is a lot to be said for tolerance. It allows individuals in a pluralistic society like the

United States to live in harmony. However, tolerance is not the same thing as subjective relativism. Subjective relativism holds that individuals decide for themselves what is right and what is wrong. If you are a tolerant person, is it okay with you if some people decide they want to be intolerant? What if a person decides that he will only deal fairly with people of his own racial group? Note that any statement of the form "People ought to be tolerant" is an example of a universal moral **norm**, or rule. Relativism is based on the idea that there are no universal moral norms, so a blanket statement about the need for tolerance is incompatible with subjective relativism.

4. *We should not give legitimacy to an ethical theory that allows people to make decisions based on something other than reason.*

If individuals decide for themselves what is right and what is wrong, they can reach their conclusions by any means they see fit. They may choose to base their decisions on something other than logic and reason, such as the rolling of dice or the turning of Tarot cards. This path is contrary to using logic and reason.

If your goal is to persuade others that your solutions to actual moral problems are correct, adopting subjective relativism is self-defeating because it is based on the idea that each person decides for himself or herself what is right and what is wrong. According to subjective relativism, nobody's conclusions are any more valid than anyone else's, no matter how these conclusions are drawn. Therefore, we reject subjective relativism as a workable ethical theory.

2.3 Cultural Relativism

If subjective relativism is unworkable, what about different views of right and wrong held by different societies at the same point in time, or those held by the same society at different points in time?

In the modern era, anthropologists have collected evidence of societies with moral codes markedly different from those of the societies of Europe and North America. William Graham Sumner described the evolution of *folkways*, which he argues eventually become institutionalized into the moral guidelines of a society:

The first task of life is to live . . . The struggle to maintain existence was not carried on individually but in groups. Each profited by the other's experience; hence there was concurrence towards that which proved to be the most expedient. All at last adopted the same way for the same purpose; hence the ways turned into customs and became mass phenomena. Instincts were learned in connection with them. In this way folkways arise. The young learn by tradition, imitation, and authority. The folkways, at a time, provide for all the needs of life then and there. They are uniform, universal in the group, imperative, and invariable. As time goes on, the folkways become more and more arbitrary, positive, and imperative. If asked why they act in a certain way in certain cases, primitive people always answer that it is because they and their ancestors always have done so . . . The morality of a group at a time is the sum of the taboos and prescriptions in the folkways by which right conduct is defined . . . 'Good' mores are those which are well adapted to the situation. 'Bad' mores are those which are not so well adapted [6].

Cultural relativism is the ethical theory that the meaning of "right" and "wrong" rests with a society's actual moral guidelines. These guidelines vary from place to place and from time to time.

Charles Hampden-Turner and Fons Trompenaars conducted a modern study that reveals how notions of right and wrong vary widely from one society to another. Here is a dilemma they posed to people from 46 different countries:

You are riding in a car driven by a close friend. He hits a pedestrian. You know he was going at least 35 miles per hour in an area of the city where the maximum allowed speed is 20 miles per hour. There are no witnesses other than you. His lawyer says that if you testify under oath that he was driving only 20 miles per hour, you will save him from serious consequences.

What right has your friend to expect you to protect him?

- My friend has a definite right as a friend to expect me to testify to the lower speed.
- He has some right as a friend to expect me to testify to the lower speed.
- He has no right as a friend to expect me to testify to the lower speed.

What do you think you would do in view of the obligations of a sworn witness and the obligation to your friend?

- Testify that he was going 20 miles per hour.
- Not testify that he was going 20 miles per hour [7]

About 90 percent of Norwegians would not testify to the lower speed and do not believe that the person's friend has a definite right to expect help. In contrast, only about 10 percent of Yugoslavians feel the same way. About three-quarters of Americans and Canadians agree with the dominant Norwegian view, but Mexicans are fairly evenly divided [7]. Cultural relativists say we ought to pay attention to these differences.

2.3.1 The Case for Cultural Relativism

1. *Different social contexts demand different moral guidelines.*

It's unrealistic to assume that the same set of moral guidelines can be expected to work for all human societies in every part of the world for all ages. Just think about how our relationship with our environment has changed. For most of the past 10,000 years, human beings have spent most of their time trying to produce enough food to survive. Thanks to science and technology, the human population of the Earth has increased exponentially in the past century. The struggle for survival has shifted away from people to the rest of Nature. Overpopulation has created a host of environmental problems, such as the extinction of many species, the destruction of fisheries in the world's oceans, and the accumulation of greenhouse gases. People

1. From *Building Cross-Cultural Competence: How to Create Wealth From Conflicting Values*. New Haven, CT: Yale University Press, 2000. Reprinted with permission. All Rights Reserved.

must change their ideas about what is acceptable conduct and what is not, or they will destroy the planet.

2. *It is arrogant for one society to judge another.*

Anthropologists have documented many important differences among societies with respect to what they consider proper and improper moral conduct. We may have more technology than people in other societies, but we are no more intelligent than they are. It is arrogant for a person living in twenty-first-century America to judge the actions of another person who lived in Peru in the fifteenth century.

2.3.2 The Case against Cultural Relativism

1. *Just because two societies do have different views about right and wrong doesn't imply that they ought to have different views.*

Perhaps one society has good guidelines and another has bad guidelines. Perhaps neither society has good guidelines.

Suppose two societies are suffering from a severe drought. The first society constructs an aqueduct to carry water to the affected cities. The second society makes human sacrifices to appease the rain god. Are both "solutions" equally acceptable? No, they are not. Yet, if we accept cultural relativism, we cannot speak out against this wrongdoing, because no person in one society can make any statements about the morality of another society.

2. *Cultural relativism does not explain how an individual determines the moral guidelines of a particular society.*

Suppose I am new to a society and I understand I am supposed to abide by its moral guidelines. How do I determine what those guidelines are?

One approach would be to poll other people, but this begs the question. Here's why. Suppose I ask other people whether the society considers a particular action to be morally acceptable. I'm not interested in knowing whether they personally feel the action is right or wrong. I want them to tell me whether the society as a whole thinks the action is moral. That puts the people I poll in the same position I'm in— trying to determine the moral guidelines of a society. How are *they* to know whether the action is right or wrong?

Perhaps the guidelines are summarized in the society's laws, but laws take time to enact. Hence the legal code reflects at best the moral guidelines of the same society at some point in the past, but that's not the same society I am living in today, because the morals of any society change over time. That leads us to our next objection.

3. *Cultural relativism does not explain how to determine right from wrong when there are no cultural norms.*

Sometimes different groups within a society disagree about whether a particular action is right or wrong. This situation often occurs when a new technology emerges. For example, the Internet has made possible massive exchanges of digitized infor-

mation. Millions of Americans seem to think sharing copyrighted music is okay, but other groups insist this activity is nothing more than stealing. Who is correct?

4. *Cultural relativism does not do a good job of characterizing actions when moral guidelines evolve.*

Until the 1960s many southern American states had segregated universities. Today these universities are integrated. This change in attitudes was accelerated by the actions of a few brave people of color who challenged the status quo and enrolled in universities that had been the exclusive preserve of white students. At the time these students were doing what they "ought not" to have done; they were doing something wrong according to the moral guidelines of the time. By today's standards, they did nothing wrong, and many people view them as heroic figures. Doesn't it make more sense to believe that their actions were the right thing to do all along?

5. *Cultural relativism provides no framework for reconciliation between cultures in conflict.*

Think about the culture of the poverty-stricken Palestinians who have been crowded into refugee camps in the Gaza Strip for the past 50 years. Many of these people are completely committed to an armed struggle against Israel. Meanwhile, many people in Israel believe the Jewish state ought to be larger and are completely committed to the expansion of settlements into the Gaza Strip. The values of each society lead to actions that harm the other, yet cultural relativism says each society's moral guidelines are right. Cultural relativism provides no way out—no way for the two sides to find common ground.

6. *The existence of many acceptable cultural practices does not imply that any cultural practice would be acceptable.*

Judging *many* options to be acceptable and then reaching the conclusion that *any* option is acceptable is called the many/any fallacy. To illustrate this fallacy, consider documentation styles for computer programs. There are many good ways to add comments to a program; that does not mean that any commenting style is good.

It is false that all possible cultural practices have equal legitimacy. Certain practices must be forbidden and others must be mandated if a society is to survive [1]. This observation leads us directly to our next point.

7. *Societies do, in fact, share certain core values.*

While a superficial observation of the cultural practices of different societies may lead you to believe they are quite different, a closer examination often reveals similar values underlying these practices. James Rachels argues that all societies, in order to maintain their existence, must have a set of core values [5]. For example, newborn babies are helpless. A society must care for its infants if it wishes to continue on. Hence a core value of every society is that babies must be cared for. Communities rely upon people being able to believe each other. Hence telling the truth is another core value. Finally, in order to live together, people must not constantly be on guard against attack from their community members. For this reason a prohibition against murder is a core value of any society.

The existence of common values among all societies is a powerful response to the contention that different social contexts demand different moral guidelines, which is at the heart of the argument in favor of cultural relativism. Because societies do share certain core values, there is reason to believe we could use these values as a starting point in the creation of a universal ethical theory that would not have the deficiencies of cultural relativism.

8. *Cultural relativism is only indirectly based on reason.*

As Sumner observed, many moral guidelines are a result of tradition. Traditions develop because they meet a need, but once a tradition has been established, people behave in a certain way because it's what they're supposed to do, not because they understand the rationality deeply embedded within the tradition.

Cultural relativism has significant weaknesses as a tool for ethical persuasion. According to cultural relativism, the ethical evaluation of a moral problem made by a person in one society may be meaningless when applied to the same moral problem in another society. Cultural relativism suggests there are no universal moral guidelines. It gives tradition more weight in ethical evaluations than facts and reason. For these reasons cultural relativism is not a powerful tool for constructing ethical evaluations persuasive to a diverse audience, and we consider it no further.

2.4 Divine Command Theory

The three great religious traditions that arose in the Middle East—Judaism, Christianity, and Islam—teach that a single God is the creator of the universe and that human beings are part of God's creation. Each of these religions has sacred writings containing God's revelation.

Jews, Christians, and Muslims all believe that God inspired the Torah. Here is a selection of verses from Chapter 19 of the third book of the Torah, called Leviticus:

You shall each revere his mother and his father, and keep My sabbaths. When you reap the harvest of your land, you shall not reap all the way to the edges of your field, or gather the gleanings of your harvest. You shall not pick your vineyard bare, or gather the fallen fruit of your vineyard; you shall leave them for the poor and the stranger. You shall not steal; you shall not deal deceitfully or falsely with one another. You shall not swear falsely by My name. You shall not defraud your neighbor. You shall not commit robbery. The wages of a laborer shall not remain with you until morning. You shall not insult the deaf, or place a stumbling block before the blind. You shall not take vengeance or bear a grudge against your kinsfolk. Love your neighbor as yourself [8],

The divine command theory is based on the idea that good actions are those aligned with the will of God and bad actions are those contrary to the will of God. Since the holy books contain God's directions, we can use the holy books as moral decision-making

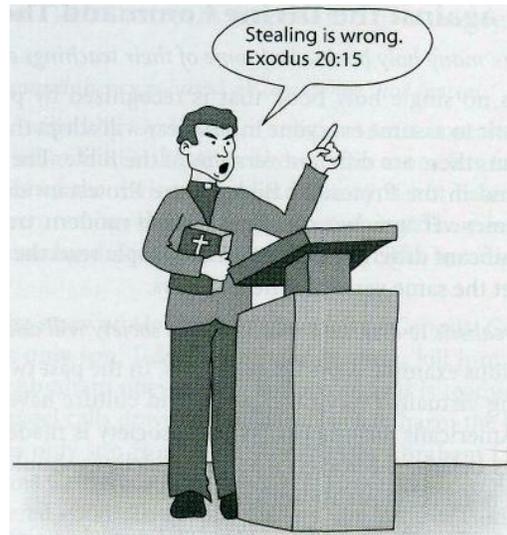


FIGURE 2.4 The divine command theory of ethics is based on two premises: good actions are those actions aligned with the will of God, and God's will has been revealed to us.

guides. God says we should revere our mothers and fathers, so revering our parents is good. God says do not lie or steal, so lying and stealing are bad (Figure 2.4).

It is important to note that the divine command theory is subscribed to by some, but not all, Jews, Christians, and Muslims. Fundamentalists are more likely to consider holy books authentic and authoritative. Most sects within these religious traditions augment holy books with other sources when developing their moral codes.

2.4.1 The Case for the Divine Command Theory

1. *We owe obedience to our Creator.*

God is the creator of the universe. God created each one of us. We are dependent upon God for our lives. For this reason, we are obligated to follow God's rules.

2. *God is all-good and all-knowing.*

God loves us and wants the best for us. God is omniscient; we are not. Because God knows better than we do what we must do to be happy, we should align ourselves with the will of God.

3. *God is the ultimate authority.*

Since most people are religious, they are more likely to submit to God's law than to a law made by people. Our goal is to create a society where everyone obeys the moral laws. Therefore, our moral laws should be based on God's directions to us.

2.4.2 The Case against the Divine Command Theory

1. *There are many holy books, and some of their teachings disagree with each other.*

There is no single holy book that is recognized by people of all faiths, and it is unrealistic to assume everyone in a society will adopt the same religion. Even among Christians there are different versions of the Bible. The Catholic Bible has six books not found in the Protestant Bible. Some Protestant denominations rely upon the King James version, but others use more modern translations. Every translation has significant differences. Even when people read the same translation, they often interpret the same verse in different ways.

2. *It is unrealistic to assume a multicultural society will adopt a religion-based morality.*

An obvious example is the United States. In the past two centuries, immigrants representing virtually every race, creed, and culture have made America their home. Some Americans are atheists. When a society is made up of people with different religious beliefs, the society's moral guidelines should emerge from a secular authority, not a religious authority.

3. *Some moral problems are not addressed directly in scripture.*

For example, there are no verses in the Bible mentioning the Internet. When we discuss moral problems arising from information technology, a proponent of the divine command theory must resort to analogy. At this point the conclusion is based not simply on what appears in the sacred text but also on the insight of the person who invented the analogy. The holy book alone is not sufficient to solve the moral problem.

4. *It is fallacious to equate "the good" with "God"*

Religious people are likely to agree with the statement "God is good." That does not mean, however, that God and "the good" are exactly the same thing. Trying to equate two related but distinct things is called the equivalence fallacy. Instead, the statement "God is good" means there is an objective standard of goodness that God meets perfectly.

Here's another way to put the question. Is an action good because God commands it, or does God command it because it's good? This is an ancient question: Plato raised it about 2,400 years ago in the Socratic dialogue *Euthyphro*. In this dialogue Socrates concludes, "The gods love piety because it is pious, and it is not pious because they love it" [9]. In other words, "the good" is something that exists outside of God and was not created by God.

We can reason our way to the same conclusion. If good means "commanded by God," then good is arbitrary. Why should we praise God for being good if good is whatever God wills? According to this view of the good, it doesn't matter whether God commanded, "Thou shalt not commit adultery" or "Thou shalt commit adultery." Either way, the command would have been good by definition. If you object that there is no way God would command us to commit adultery, because marital fidelity is good and adultery is bad, then you are arguing that there is a standard of right and wrong separate from God. In that case, we can talk about the good with-

out talking about God. That opens the door to a non-theological discussion of the good.

5. *The divine command theory is based on obedience, not reason.*

If good means "willed by God," and if religious texts contain everything we need to know about what God wills, then there is no room left for collecting and analyzing facts. Hence the divine command theory is not based on reaching sound conclusions from premises through logical reasoning. There is no need for a person to question a commandment. The instruction is right because it's commanded by God, period.

Consider the story of Abraham in the book of Genesis. God commands Abraham to take his only son, Isaac, up on a mountain, kill him, and make of him a burnt offering. Abraham obeys God's command and is ready to kill Isaac with his knife when an angel calls down and tells him not to harm the boy. Because he does not withhold his only son from God, God blesses Abraham [10]. Earlier in Genesis God condemns Cain for killing Abel [11]. How, then, can Abraham's sacrifice of Isaac be considered good? To devout readers, the logic of God's command is irrelevant to this story. Abraham is a good person, a heroic model of faith, because he demonstrated his obedience to the will of God.

In the divine command theory moral guidelines are not the result of a logical progression from a set of underlying principles, and this is a significant problem. While you may choose to live your life so that your actions are aligned with God's will, the divine command theory often fails to produce arguments that can persuade skeptical listeners whose religious beliefs are different. Hence we conclude the divine command theory is not a powerful weapon for ethical debate in a secular society, and we reject it as a workable theory for the purposes of this book.

2.5 Ethical Egoism

In sharp contrast to the divine command theory, which promotes a concern for others with scriptural injunctions such as "Love your neighbor as yourself," ethical egoism is the philosophy that each person should focus exclusively on his or her self-interest. In other words, according to ethical egoism, the morally right action for a person to take in a particular situation is the action that will provide that person with the maximum long-term benefit. Many people have become familiar with ethical egoism through the writings of novelist Ayn Rand, who authored *The Fountainhead* and *Atlas Shrugged*. Rand wrote, "My philosophy, in essence, is the concept of man as a heroic being, with his own happiness as the moral purpose of his life, with productive achievement as his noblest activity, and reason as his only absolute" [12].

Ethical egoism does not prohibit acting to help someone else, but assisting another is the right thing to do if and only if it is in the helper's own long-term best interest. Here's an example from the writings of Douglas Birsch [4]. Suppose I depend upon a friend to give me a ride to work every day. If my friend's car breaks down and she doesn't

have \$100 to fix it, I ought to loan her the money. Although I'm out \$100 until she pays me back, I'm better off giving her the loan because I'm still able to travel to work and make money. If I don't lend her the money, I'll lose my income. Lending \$100 to my friend is the right thing to do because it provides me the maximum overall benefit.

2.5.1 The Case for Ethical Egoism

1. *Ethical egoism is a practical moral philosophy.*

We are naturally inclined to do what's best for ourselves because each of us has only one life to live, and we want to make the best of it. Unlike other moral codes that ask us to sacrifice our own well being for the good of other people, ethical egoism recognizes that we should focus on our own well-being.

2. *The community can benefit when individuals put their well-being first.*

When individuals act in their own self-interest, they often benefit not only themselves but others as well. For example, successful entrepreneurs may make a lot of money for themselves, but they also create jobs that provide other people worthwhile employment.

3. *Other moral principles are rooted in the principle of self-interest.*

Ethical egoism is a rational philosophy. Any rational person will figure out that it doesn't make sense to go around breaking promises, because eventually people will realize that the promise-breaker cannot be trusted, and they will refuse to cooperate with that person. Therefore, it's not in a person's long-term self-interest to break promises. Likewise, it's a bad idea to lie to other people or cheat other people because the long-term consequences of lying and cheating are detrimental to the person doing these things. For this reason it can be seen that other, well-known moral principles are actually rooted in the principle of self-interest.

2.5.2 The Case against Ethical Egoism

1. *An easy moral philosophy may not be the best moral philosophy.*

Proponents suggest that ethical egoism should attract adherents because people are naturally motivated to do what's in their own best interest. However, the fact that it may be easier to live by a particular moral philosophy is no proof that it is a good moral philosophy, let alone the best way of making moral decisions.

2. *The premise that people naturally act in their own long-term self-interest is false.*

People often find it difficult to pass up short-term pleasures in order to achieve long-term benefits. For example, a college degree can yield many long-term benefits, but some college students never graduate because they spend too much time partying and not enough time studying.

3. *There are plenty of examples of injustices that have occurred when powerful individuals put their own interests above those of the community.*

Consider the lives of slaves trapped in a social system that provides disproportionate benefits to land owners. Most everyone agrees that owning slaves is wrong, but according to ethical egoism, if the land owners cannot rationally determine that

they would achieve the most long-term benefits by freeing the slaves, they ought to keep them in captivity.

4. *Other moral principles are superior to the principle of self-interest.*

Suppose you have the opportunity to save a drowning person at the cost of getting one of your shirtsleeves wet [4]. According to the theory of ethical egoism, saving a life is the right thing to do if and only if that action will provide you with the maximum benefit. Possible benefits from saving a drowning person include earning that person's undying gratitude and gaining favorable publicity. But isn't this a degrading way of evaluating the action? Doesn't it make a lot more sense to consider the action in light of the value of a human life? The principle of preserving life is superior to the principle of self-interest. If you have the opportunity to save a human life with no significant negative consequences to yourself, you should do it, even if your action is not rewarded.

5. *Ethical egoism is a form of bigotry.* ~

By insisting that the individual making the decision consider only the long-term benefits to himself or herself, ethical egoism gives the individual higher moral status than every other human being. It contradicts the notion that "other people and their core values are also worthy of respect," as stated at the beginning of the chapter.

For the purposes of this book, the last argument against ethical egoism is the most critical. Ethical egoism does not recognize that in order to reap the benefits of living in community, individuals have some obligations to other people. Because of this deficiency we eliminate it from further consideration.

2.6 Kantianism

Kantianism is the name given to the ethical theory of the German philosopher Immanuel Kant (1724-1804). Kant spent his entire life in or near Königsberg in East Prussia, where he was a professor at the university. Kant believed that people's actions ought to be guided by moral laws, and that these moral laws were universal. He held that in order to apply to all rational beings, any supreme principle of morality must itself be based on reason. While many of the moral laws Kant describes can also be found in the Bible, Kant's methodology allows these laws to be derived through a reasoning process. A Kantian is able to go beyond simply stating *that* an action is right or wrong by citing chapter and verse; a Kantian can explain *why* it is right or wrong.

2.6.1 Good Will and the Categorical Imperative

Kant begins his inquiry by asking, "What is always good without qualification?" Many things, such as intelligence and courage, can be good, but they can also be used in a way that is harmful. For example, a group of gangsters may use intelligence and courage to rob a bank. Kant's conclusion is that the only thing in the world that can be called good without qualification is a *good will*. People with good will often accomplish good deeds, but producing beneficial outcomes is not what makes a good will good. A good will is

good in and of itself. Even if a person's best efforts at doing good should fall short and cause harm, the good will behind the efforts is still good. Since a good will is the only thing that is universally good, the proper function of reason is to cultivate a will that is good in itself.

Most of us have probably had many experiences when we've been torn between *what we want to do* and *what we ought to do*. According to Kant, what we want to do is of no importance. Our focus should be on what we ought to do. Our sense of "ought to" is called dutifulness [13]. A dutiful person feels compelled to act in a certain way out of respect for some moral rule. Our will, then, should be grounded in a conception of moral rules. The moral value of an action depends upon the underlying moral rule. It is critical, therefore, that we be able to determine if our actions are grounded in an appropriate moral rule.

What makes a moral rule appropriate? To enable us to answer this question, Kant proposes the Categorical Imperative.

CATEGORICAL IMPERATIVE (FIRST FORMULATION)

Act only from moral rules that you can at the same time will to be
universal moral laws.

To illustrate the Categorical Imperative, Kant poses the problem of an individual in a difficult situation who must decide if he will make a promise with the intention of later breaking it. The translation of this moral rule could be: "A person may make a false promise when that is the only way to escape a difficult situation."

To evaluate this moral rule, we universalize it. What would happen if everybody in extreme circumstances made false promises? If that were the case, nobody would believe promises, and it would be impossible for our individual in distress to make a promise that anyone believed. The moral rule self-destructs when we try to make it a universal law. Therefore, it is wrong for a person in distress to make a promise with the intention of breaking it.

It is important to see that Kant is *not* arguing that the consequences of everybody breaking promises would be to undermine interpersonal relationships, increase violence, and make people miserable, and that is why we cannot imagine turning our hypothetical moral rule into a universal law. Rather, Kant is saying that simply willing that our moral rule become a universal law produces a logical contradiction.

Let's see how. Suppose I am the person who can escape from a difficult situation by making a promise I intend to break later on. On the one hand, it is my will that I be able to make a promise that is believed. After all, that's what promises are for. If my promise isn't believed, I won't be able to get out of the difficult situation I am in. But when I universalize the moral rule, I am willing that everybody be able to break promises. If that were a reality, then promises would not be believable, which means there would be no such thing as a promise [14]. If there were no such thing as a promise, I would not

be able to make a promise to get myself out of a difficult situation. Trying to universalize our proposed moral rule leads to a contradiction.

Here's another way to see why the proposed action is wrong. In order for my false promise to be believed, I want everyone *except* myself to be truthful all the time. Because there is a contradiction between what I wish to do and how I expect others in a similar situation to act, I know that what I am considering doing is wrong.

Kant also presents a second formulation of the Categorical Imperative, which many find easier to work with.

CATEGORICAL IMPERATIVE (SECOND FORMULATION)

Act so that you always treat both yourself and other people as ends in themselves, and never only as a means to an end.

To use popular terminology, the second formulation of the Categorical Imperative says it is wrong for one person to "use" another (Figure 2.5). Instead, every interaction with other people must respect them as rational beings.

Here is an example that illustrates how we can apply the second formulation. Suppose I manage a semiconductor fabrication plant for a large corporation. The plant manufactures integrated circuits on 8-inch wafers. I know that in one year the corporation is going to shut down the plant and move all of its production to other sites capable of producing 12-inch wafers. In the meantime, I need new employees to work in the clean room. Many of the best applicants are from out of state. I am afraid that if they knew the plant was going to shut down next year, they would not want to go through the

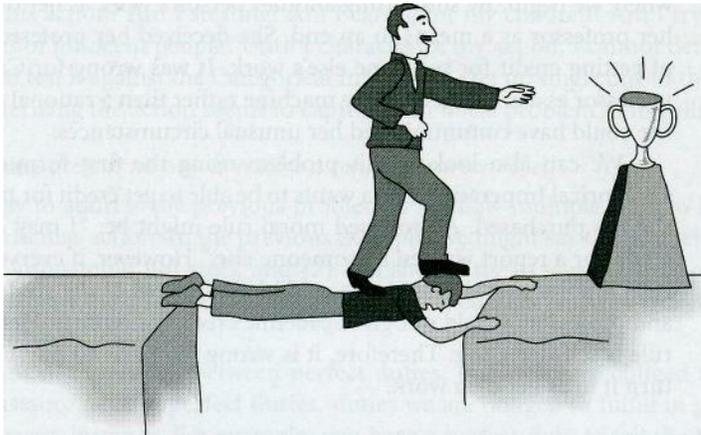


FIGURE 2.5 The second formulation of the Categorical Imperative states that it is wrong for one person to use himself or another person solely as a means to an end.

hassle and expense of moving to this area. If that happens, I'll have to hire less-qualified local workers. Should I disclose this information to the job applicants?

According to the second formulation of the Categorical Imperative, I have an obligation to inform the applicants, since I know this information is likely to influence their decision. If I deny them this information, I am treating them as a means to an end (a way to get wafers produced), not as ends in themselves (rational beings).

2.6.2 Evaluating a Scenario Using Kantianism

SCENARIO

Carla is a single mother who is working hard to complete her college education while taking care of her daughter. Carla has a full-time job and is taking two evening courses per semester. If she can pass both courses this semester, she will graduate. She knows her child will benefit if she can spend more time at home.

One of her required classes is modern European history. In addition to the midterm and final examinations, the professor assigns four lengthy reports, which is far more than the usual amount of work required for a single class. Students must submit all four reports in order to pass the class.

Carla earns an "A" on each of her first three reports. At the end of the term, she is required to put in a lot of overtime where she works. She simply does not have time to research and write the final report. Carla uses the Web to identify a company that sells term papers. She purchases a report from the company and submits it as her own work.

Was Carla's action morally justifiable?

Analysis

Many times it is easier to use the second formulation of the Categorical Imperative to analyze a moral problem from a Kantian point of view, so that's where we begin. By submitting another person's work as her own, Carla treated her professor as a means to an end. She deceived her professor with the goal of getting credit for someone else's work. It was wrong for Carla to treat the professor as a grade-generating machine rather than a rational agent with whom she could have communicated her unusual circumstances.

We can also look at this problem using the first formulation of the Categorical Imperative. Carla wants to be able to get credit for turning in a report she has purchased. A proposed moral rule might be: "I may claim academic credit for a report written by someone else." However, if everyone followed this rule, reports would cease to be credible indicators of the students' knowledge, and professors would not give academic credit for reports. Her proposed moral rule is self-defeating. Therefore, it is wrong for Carla to purchase a report and turn it in as her own work.

Commentary

Note that the Kantian analysis of the moral problem focuses on the will behind the action. It asks the question: "What was Carla trying to do when she submitted

under her own name a term paper written by someone else?" The analysis ignores extenuating circumstances that non-Kantians may cite to justify her action. <*=*•'

2.6.3 The Case for Kantianism

1. *Kantianism is rational.*

Kantianism is based on the premise that rational beings can use logic to explain the "why" behind their solutions to ethical problems.

2. *Kantianism produces universal moral guidelines.*

Kantianism aligns with the intuition of many people that the same morality ought to apply to all people for all of history. These guidelines allow us to make clear moral judgments. For example, one such judgment might be: "Sacrificing living human beings to appease the gods is wrong." It is wrong in North America in the twenty-first century, and it was wrong in South America in the fifteenth century.

3. *All persons are treated as moral equals.*

A popular belief is that "all people are created equal." Because it holds that people in similar situations should be treated in similar ways, Kantianism provides an ethical framework to combat discrimination.

2.6.4 The Case against Kantianism

1. *Sometimes no single rule fully characterizes an action.*

Kant holds that every action is motivated from a rule. The appropriate rule depends upon how we characterize the action. Once we know the rule, we can test its value using the Categorical Imperative. What happens when no single rule fully explains the situation? Douglas Birsch gives this example: Suppose I'm considering stealing food from a grocery store to feed my starving children [4]. How should I characterize this action? Am I stealing? Am I caring for my children? Am I trying to save the lives of innocent people? Until I characterize my action, I cannot determine the rule and test it against the Categorical Imperative. Yet no single one of these ways of characterizing the action seems to capture the ethical problem in its fullness.

2. *Sometimes there is no way to resolve a conflict between rules.*

One way to address the previous problem is to allow multiple rules to be relevant to a particular action. In the previous example, we might say that the relevant rules are (1) You should not steal, and (2) You should try to save the lives of innocent persons. Now the question becomes: If we have a conflict between two rules, which one should we follow?

Kant distinguished between perfect duties, duties we are obliged to fulfill in each instance, and imperfect duties, duties we are obliged to fulfill in general but not in every instance. For example, you have a perfect duty to tell the truth. That means you must always tell the truth without exception. On the other hand, you have an imperfect duty to develop your talents. If you happen to have a talent for

music, you ought to find a way to develop it, but you do not have to take up every instrument in the orchestra.

If we have a conflict between a perfect duty and an imperfect duty, the perfect duty must prevail. Returning to our example, we have a perfect duty not to steal. In contrast, we have only an imperfect duty to help others. Therefore, according to Kant, it is wrong to steal bread to feed my starving children.

In this case we were fortunate because the conflict was between a perfect duty and an imperfect duty. In those cases where there is a conflict between perfect duties, Kantianism does not provide us a way to choose between them.

3. *Kantianism allows no exceptions to perfect duties.*

Common sense tells us that sometimes we ought to "bend" the rules a bit if we want to get along with other people. For example, suppose your mother asks you if you like her new haircut, and you think it is the ugliest haircut you have ever seen. What should you say? Common sense dictates that there is no point in criticizing your mother's hair. She certainly isn't going to get her hair un-cut, no matter what you say. If you compliment her, she will be happy, and if you criticize her looks, she will be angry and hurt. She expects you to say something complimentary, even if you don't mean it. There just seems to be no downside to lying. Yet a Kantian would argue that lying is always wrong because we have a perfect duty to tell the truth. Many people hold that any ethical theory so unbending is not going to be useful for solving "real world" problems.

While these objections point out weaknesses with Kantianism, the theory does support moral decision-making based on logical reasoning from facts and commonly held values. It is culture neutral and treats all humans as equals. Hence it meets our criteria for a workable ethical theory, and we will use it as a way of evaluating moral problems in the rest of the book.

2.7 Act Utilitarianism

2.7.1 Principle of Utility

The English philosophers Jeremy Bentham (1748-1832) and John Stuart Mill (1806-1873) proposed a theory that is in sharp contrast to Kantianism. According to Bentham and Mill, an action is good if it benefits someone; an action is bad if it harms someone. Their ethical theory, called utilitarianism, is based upon the Principle of Utility, also called the Greatest Happiness Principle.

PRINCIPLE OF UTILITY (GREATEST HAPPINESS PRINCIPLE)

An action is right (or wrong) to the extent that it increases (or decreases) the total happiness of the affected parties.

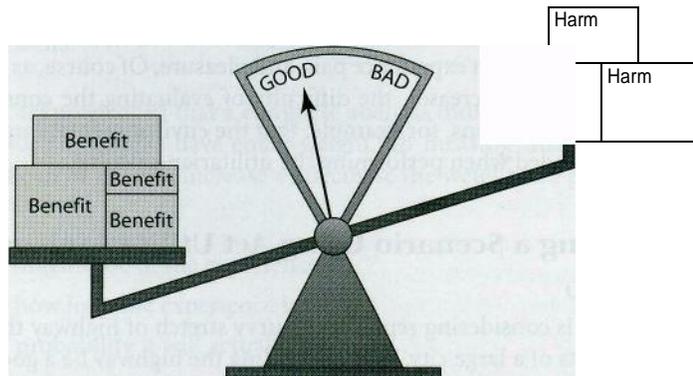


FIGURE 2.6 Utilitarianism is based on the Principle of Utility, which states that an action is good (or bad) to the extent that it increases (or decreases) the total happiness of the affected parties.

Utility is the tendency of an object to produce happiness or prevent unhappiness for an individual or a community. Depending on the circumstances, you may think of "happiness" as advantage, benefit, good, or pleasure, and "unhappiness" as disadvantage, cost, evil, or pain.

We can use the Principle of Utility as a yardstick to judge all actions in the moral realm. To evaluate the morality of an action, we must determine, for each affected person, the increase or decrease in that person's happiness, and then add up all of these values to reach a grand total. If the total is positive (meaning the total increase in happiness is greater than the total decrease in happiness), the action is moral; if the total is negative (meaning the total decrease in happiness is greater than the total increase in happiness), the action is immoral. The Principle of Utility is illustrated in Figure 2.6.

Note that the morality of an action has nothing to do with the attitude behind the action. Bentham writes: "There is no such thing as any sort of motive that is in itself a bad one. If [motives] are good or bad, it is only on account of their effects" [15]. We call utilitarianism a consequentialist theory, because the focus is on the consequences of an action.

Act utilitarianism is the ethical theory that an action is good if its net effect (over all affected beings) is to produce more happiness than unhappiness. Suppose we measure pleasure as a positive number and pain as a negative number. To make a moral evaluation of an action, we simply add up, over all affected beings, the change in their happiness. If the sum is positive, the action is good. If the sum is negative, the action is bad.

Did you notice that I used the word "beings" rather than "persons" in the previous paragraph? An important decision an act utilitarian must make is determining which beings are considered to be morally significant. Bentham noted that at one time only adult white males were considered morally significant beings. Bentham felt that any being that can experience pain and pleasure ought to be seen as morally significant.

Certainly women and people of color are morally significant beings by this definition, but in addition all mammals (and perhaps other animals) are morally significant beings, because they, too, can experience pain and pleasure. Of course, as the number of morally significant beings increases, the difficulty of evaluating the consequences of an action also increases. It means, for example, that the environmental impacts of decisions must often be included when performing the utilitarian calculus.

2.7.2 Evaluating a Scenario Using Act Utilitarianism

SCENARIO

A state is considering replacing a curvy stretch of highway that passes along the outskirts of a large city. Would building the highway be a good action?

Analysis

To perform the analysis of this problem, we must determine who is affected and the effects of the highway construction on them. Our analysis is in terms of dollars and cents. For this reason we'll use the terms "benefit" and "cost" instead of "happiness" and "unhappiness."

About 150 houses lie on or very near the proposed path of the new, straighter section of highway. Using its power of eminent domain, the state can condemn these properties. It would cost the state \$20 million to provide fair compensation to the homeowners. Constructing the new highway, which is three miles long, would cost the taxpayers of the state another \$10 million. Suppose the environmental impact of the new highway in terms of lost habitat for morally significant animal species is valued at \$1 million.

Every weekday 15,000 cars are expected to travel on this section of highway, which is one mile shorter than the curvy highway it replaces. Assuming it costs 40 cents per mile to operate a motor vehicle, construction of the new highway will save drivers \$6,000 per weekday in operating costs. The highway has an expected operating lifetime of 25 years. Over a 25-year period, the expected total savings to drivers will be \$39 million.

We'll assume the highway project will have no positive or negative effects on any other people. Since the overall cost of the new highway is \$31 million and the benefit of the new highway is \$39 million, building the highway would be a good action.

Commentary

Performing the benefit/cost (or happiness/unhappiness) calculations is crucial to the utilitarian approach, yet it can be controversial. In our example, we translated everything into dollars and cents. Was that reasonable? Neighborhoods are the site of many important relationships. We did not assign a value to the harm the proposed highway would do to these neighborhoods. There is a good chance that many of the homeowners will be angry about being forced out of their houses, even if they are paid a fair price for their properties. How do we put a dollar value on their emotional distress? On the other hand, we can't add apples and oranges.

Translating everything into dollars and cents is one way to put everything into common units.

Bentham acknowledged that a complete analysis must look beyond simple benefits and harms. Not all benefits have equal weight. To measure them, he proposed seven attributes that can be used to increase or decrease the weight of a particular pleasure or pain:

- *intensity*: magnitude of the experience
- *duration*: how long the experience lasts
- *certainty*: probability it will actually happen
- *propinquity*: how close the experience is in space and time
- *fecundity*: its ability to produce more experiences of the same kind
- *purity*: extent to which pleasure is not diluted by pain, or vice versa
- *extent*: number of people affected

As you can see, performing a complete calculation for a particular moral problem can be a daunting prospect!

2.7.3 The Case for Act Utilitarianism

1. *It focuses on happiness.*

By relying upon the Greatest Happiness Principle as the yardstick for measuring moral behavior, utilitarianism fits the intuition of many people that the purpose of life is to be happy.

2. *It is down-to-earth.*

The utilitarian calculus provides a straightforward way to determine whether a particular action is good or bad: simply sum up the anticipated positive and negative consequences resulting from an action. For this reason it is a good way for a diverse group of people to come to a collective decision about a controversial topic.

For example, suppose your state needs to build a new prison because the number of prisoners is growing. Everybody understands the prison must be built somewhere in the state, but nobody wants the prison in their neighborhood. A panel of trusted citizens considers a variety of siting options and, after a series of public hearings to gather evidence, weighs the pluses and minuses of each location. At the end of the process the panel recommends the site with the highest total net good. While some will be unhappy at the prospect of a prison being built near their homes, an open and impartial process can speed their acceptance of the decision.

3. *It is comprehensive.*

Act utilitarianism allows the moral agent to take into account all the elements of a particular situation. Recall the problem of having to decide what to say about your mother's haircut? Since telling the truth would cause more emotional distress to

all parties involved than lying, deciding what the right thing to do would be a "no brainer" using the utilitarian calculus.

2.7.4 The Case against Act Utilitarianism

1. *When performing the utilitarian calculus, it is not clear where to draw the line, yet where we draw the line can change the outcome of our evaluation.*

In order to perform our calculation of total net happiness produced by an action, we must determine whom to include in our calculation and how far into the future to consider the consequences. In our highway example, we counted the people who lost their homes and the people who would travel the new highway in the next 25 years. The proposed highway may cut neighborhoods in two, making it more difficult for some children to get to school, but we did not factor in consequences for neighbors. The highway may cause people to change their commutes, increasing traffic congestion in other parts of town, but we did not count those people either. The highway may be in existence more than 25 years, but we didn't look beyond that date. We cannot include all morally relevant beings for all time into the future. We must draw the line somewhere. Deciding where to draw the line can be a difficult problem.

2. *It is not practical to put so much energy into every moral decision.*

Correctly performing the utilitarian calculus requires a great deal of time and effort. It seems unrealistic that everyone would go to so much trouble every time they were faced with a moral problem.

A response to this criticism is that act utilitarians are free to come up with moral "rules of thumb." For example, a moral rule of thumb might be: "It is wrong to lie." In most situations it will be obvious this is the right thing to do, even without performing the complete utilitarian calculus. However, an act utilitarian always reserves the right to go against the rule of thumb if particular circumstances should warrant it. In these cases, the act utilitarian will perform a detailed analysis of the consequences to determine the best course of action.

3. *Act utilitarianism ignores our innate sense of duty.*

Utilitarianism seems to be at odds with how ordinary people make moral decisions. People often act out of a sense of duty or obligation, yet the act utilitarian theory gives no weight to these notions. Instead, all that matters are the consequences of the action.

W. D. Ross gives the following example [16]. Suppose I've made a promise to A. If I keep my word, I will perform an action that produces 1,000 units of good for him. If I break my promise, I will be able to perform an action that produces 1,001 units of good for B. According to act utilitarianism, I ought to break my promise to A and produce 1,001 units of good for B. Yet most people would say the right thing for me to do is keep my word.

Note that it does no good for an act utilitarian to come back and say that the hard feelings caused by breaking my word to A will have a negative impact on

total happiness of $-N$ units, because all I have to do is change the scenario so that breaking my promise to A enables me to produce $1,001 + N$ units of good for B. We've arrived at the same result: breaking my promise results in 1 more unit of good than keeping my word. The real issue is that utilitarianism forces us to reduce all consequences to a positive or negative number. "Doing the right thing" has a value that is difficult to quantify.

4. *We cannot predict with certainty the consequences of an action.*

In doing the utilitarian calculus, we can identify possible consequences of an action, but we may misjudge the certainty, intensity, and duration of these consequences. The action may have other, unforeseen consequences that we forget to include in our calculation. These errors may cause us to choose the wrong course of action.

5. *Act utilitarianism is susceptible to the problem of moral luck.*

As we noted in the previous point, sometimes actions have unforeseen consequences. Is it right for the moral worth of an action to depend solely on its consequences when these consequences are not fully under the control of the moral agent? This is called the problem of moral luck.

Suppose I hear that one of my aunts is in the hospital, and I send her a bouquet of flowers. After the bouquet is delivered, she suffers a violent allergic reaction to one of the exotic flowers in the floral arrangement, extending her stay in the hospital. My gift gave my aunt a bad case of hives and a much larger hospital bill. Since my action had far more negative consequences than positive consequences, an act utilitarian would say my action was bad. Yet many people would say I did something good. For this reason, some philosophers prefer a theory in which the moral agent has complete control over the factors determining the moral worth of an action.

Two additional arguments have been raised against utilitarianism in general. We'll save these arguments for the end of the section on rule utilitarianism.

While it is not perfect, act utilitarianism is an objective, rational ethical theory that allows a person to explain why a particular action is right or wrong. It joins Kantianism on our list of workable ethical theories we can use to evaluate moral problems.

2.8 Rule Utilitarianism

2.8.1 Basis of Rule Utilitarianism

The weaknesses of act utilitarianism have led some philosophers to develop another ethical theory based on the Principle of Utility. This theory is called rule utilitarianism. Some philosophers have concluded that John Stuart Mill was actually a rule utilitarian, but others disagree.

Rule utilitarianism is the ethical theory that holds that we ought to adopt those moral rules which, if followed by everyone, will lead to the greatest increase in total

happiness. Hence a rule utilitarian applies the Principle of Utility to moral rules, while an act utilitarian applies the Principle of Utility to individual moral actions.

Both rule utilitarianism and Kantianism are focused on rules, and the rules these two ethical theories derive may have significant overlap. However, the two ethical theories derive moral rules in completely different ways. A rule utilitarian chooses to follow a moral rule because its universal adoption would result in the greatest happiness. A Kantian follows a moral rule because it is in accord with the Categorical Imperative: all human beings are to be treated as ends in themselves, not merely as means to an end. In other words, the rule utilitarian is looking at the consequences of the action, while the Kantian is looking at the will motivating the action.

2.8.2 Evaluating a Scenario Using Rule Utilitarianism

SCENARIO

A worm is a self-contained program that spreads through a computer network by taking advantage of security holes in the computers connected to the network. In August 2003 the Blaster worm infected many computers running the Windows 2000, Windows NT, and Windows XP operating systems. The Blaster worm caused computers it infected to reboot every few minutes.

Soon another worm was exploiting the same security hole in Windows to spread through the Internet. However, the purpose of the new worm, named Nachi, was benevolent. Since Nachi took advantage of the same security hole as Blaster, it could not infect computers that were immune to the Blaster worm. Once Nachi gained access to a computer with the security hole, it located and destroyed copies of the Blaster worm. It also automatically downloaded from Microsoft a patch to the operating system software that would fix the security problem. Finally, it used the computer as a launching pad to seek out other Windows PCs with the security hole.

Was the action of the person who released the Nachi worm morally right or wrong?

Analysis

To analyze this moral problem from a rule utilitarian point of view, we must think of an appropriate moral rule and determine if its universal adoption would increase the happiness of the affected parties. In this case, an appropriate moral rule might be: "If I can write and release a helpful worm that improves the security of the computers it infects, I should do so."

What would be the benefits if everyone followed the proposed moral rule? Many people do not keep their computers up to date with the latest patches to the operating system. They would benefit from a worm that automatically removed their network vulnerabilities.

What harm would be caused by the universal adoption of the rule? If everyone followed this rule, the appearance of every new harmful worm would be followed by the release of many other worms designed to eradicate the harmful worm. Worms make networks less usable by creating a lot of extra

network traffic. For example, the Nachi worm disabled networks of Diebold ATM machines at two financial institutions [17]. The universal adoption of the moral rule would reduce the usefulness of the Internet while the various "helpful" worms were circulating.

Another negative consequence would be potential harm done to computers by the supposedly helpful worms. Even worms designed to be benevolent may contain bugs. If many people are releasing worms, there is a good chance some of the worms may accidentally harm data or programs on the computers they infect.

A third harmful consequence would be the extra work placed on system administrators. When system administrators detect a new worm, it is not immediately obvious whether the worm is harmful or beneficial. Hence the prudent response of system administrators is to combat every new worm that attacks their computers. If the proposed moral rule were adopted, more worms would be released, forcing system administrators to spend more of their time fighting worms [18].

In conclusion, the harms caused by the universal adoption of this moral rule appear to outweigh the benefits. Therefore, the action of the person who released the Nachi worm is morally wrong. _^^

2.8.3 The Case for Rule Utilitarianism

1. *Not every moral decision requires performing the utilitarian calculus.*

A person that relies on rules of behavior does not have to spend a lot of time and effort analyzing every particular moral action in order to determine if it is right or wrong.

2. *Exceptional situations do not overthrow moral rules.*

Remember the problem of choosing between keeping a promise to A and producing 1,000 units of good for A, or breaking the promise to A and producing 1,001 units of good for B? A rule utilitarian would not be trapped on the horns of this dilemma. A rule utilitarian would reason that the long-term consequences of everyone keeping their promises produce more good than giving everyone the liberty to break their promises, so in this situation a rule utilitarian would conclude the right thing to do is keep the promise to A.

3. *Rule utilitarianism solves the problem of moral luck.*

Since it is interested in the typical result of an action, the highly unusual result does not affect the goodness of an action. A rule utilitarian would conclude that sending flowers to people in the hospital is a good action.

4. *Rule utilitarianism avoids the problem of egocentrism.*

A weakness of act utilitarianism is that it creates the temptation to perform an ego-centric analysis. By asking "Is it okay for me to do this?" an act utilitarian may conclude the action is acceptable by consciously or unconsciously inflating the personal benefits and/or deflating the anticipated harms to others. In contrast, a rule

utilitarian must ask the question "Is it okay for everyone in a similar circumstance to do this?" The person who answers the latter question is more likely to place appropriate weights on the benefits and harms of the action.

5. *It appeals to a wide cross section of society.*

Bernard Gert points out that utilitarianism is "paradoxically, the kind of moral theory usually held by people who claim that they have no moral theory. Their view is often expressed in phrases like the following: 'It is all right to do anything as long as no one gets hurt,' 'It is the actual consequences that count, not some silly rules,' or 'What is important is that things turn out for the best, not how one goes about making that happen.' On the moral system, it is not the consequences of the particular violation that are decisive in determining its justifiability, but rather the consequences of such a violation being publicly allowed" [19]. In other words, an action is justifiable if allowing that action would, as a rule, bring about greater net happiness than forbidding that action.

2.8.4 The Case against Utilitarianism in General

As we have just seen, rule utilitarianism seems to solve several problems associated with act utilitarianism. However, two criticisms have been leveled at utilitarian theories in general. These problems are shared by both act utilitarianism and rule utilitarianism.

1. *Utilitarianism forces us to use a single scale or measure to evaluate completely different kinds of consequences.*

In order to perform the utilitarian calculus, all consequences must be put into the same units. Otherwise, we cannot add them up. For example, if we are going to determine the total amount of happiness resulting from the construction of a new highway, many of the costs and benefits (such as construction costs and the gas expenses of car drivers) are easily expressed in dollars. Other costs and benefits are intangible, but we must express them in terms of dollars in order to find the total amount of happiness created or destroyed as a result of the project. Suppose a sociologist informs the state that if it condemns 150 homes, it is likely to cause 15 divorces among the families being displaced. How do we assign a dollar value to that unfortunate consequence? In certain circumstances utilitarians must quantify the value of a human life. How can the value of a human life be reduced to an amount of money?

2. *Utilitarianism ignores the problem of an unjust distribution of good consequences.*

The second, and far more significant, criticism of utilitarianism is that the utilitarian calculus is solely interested in the total amount of happiness produced. Suppose one course of action results in every member of a society receiving 100 units of good, while another course of action results in half the members of society receiving 201 units of good each, with the other half receiving nothing. According to the calculus of utility, the second course of action is superior because the total amount of good is higher. That doesn't seem right to many people.

A possible response to this criticism is that our goal should be to promote the greatest good of the greatest number. In fact, that is how utilitarianism is often described. A person subscribing to this philosophy might say that we ought to use two principles to guide our conduct: (1) we should act so that the greatest amount of good is produced, and (2) we should distribute the good as widely as possible. The first of these principles is the Principle of Utility, but the second is a principle of distributive justice. In other words, "act so as to promote the greatest good of the greatest number" is not pure utilitarianism. The proposed philosophy is not internally consistent, because there are times when the two principles will conflict. In order to be useful, the theory also needs a procedure to resolve conflicts between the two principles. We'll talk more about the principle of distributive justice in the next section.

The criticisms leveled at utilitarianism point out circumstances in which it seems to produce the "wrong" answer to a moral problem. However, rule utilitarianism treats all persons as equals and provides its adherents with the ability to give the reasons why a particular action is right or wrong. Hence we consider it a third workable theory for evaluating moral problems, joining Kantianism and act utilitarianism.

2.9 Social Contract Theory

In the spring of 2003 a coalition of military forces led by the United States invaded Iraq and removed the government of Saddam Hussein. When the police disappeared, thousands of Baghdad residents looted government ministries [20]. Sidewalk arms merchants did a thriving business selling AK-47 assault rifles to homeowners needing protection against thieves. Are Iraqis much different from residents of other countries, or should we view the events in Baghdad as the typical response of people to a lack of governmental authority and control?

2.9.1 The Social Contract

Philosopher Thomas Hobbes (1603-1679) lived during the English civil war and saw firsthand the terrible consequences of social anarchy. In his book *Leviathan* he argues that without rules and a means of enforcing them, people would not bother to create anything of value, because nobody could be sure of keeping what they created. Instead, people would be consumed with taking what they needed and defending themselves against the attacks of others. They would live in "continuall feare, and danger of violent death," and the life of man would be "solitary, poore, nasty, brutish, and short" [21].

To avoid this miserable condition, which Hobbes calls the *state of nature*, rational people understand that cooperation is essential. However, cooperation is possible only when people mutually agree to follow certain guidelines. Hence moral rules are "simply the rules that are necessary if we are to gain the benefits of social living" [5]. Hobbes argues that everybody living in a civilized society has implicitly agreed to two things: (1) the establishment of such a set of moral rules to govern relations among citizens, and

(2) a government capable of enforcing these rules. He calls this arrangement the social contract.

The Franco-Swiss philosopher Jean-Jacques Rousseau (1712-1778) continued the evolution of social contract theory. In his book *The Social Contract* he writes, "Since no man has any natural authority over his fellows, and since force alone bestows no right, all legitimate authority among men must be based on covenants" [22]. Rousseau states that the critical problem facing society is finding a form of association that guarantees everybody their safety and property, yet enables each person to remain free. The answer, according to Rousseau, is for everybody to give themselves and their rights to the whole community. The community will determine the rules for its members, and each of its members will be obliged to obey the rules. What prevents the community from enacting bad rules is that no one is above the rules. Since everyone is in the same situation, no one will want to put unfair burdens on others because that would mean putting unfair burdens on themselves.

While everyone might agree to this in theory, it's easy for a single person to rationalize selfish behavior. How do we prevent individuals from shirking their duties to the group? Suppose Bill owes the government \$10,000 in taxes, but he discovers a way to cheat on his taxes so that he only has to pay \$8,000. Bill thinks to himself, "The government gets billions of dollars a year in taxes. So to the government another \$2,000 is just a drop in the bucket. But to me, \$2,000 is a lot of money." What restrains Bill from acting selfishly is the knowledge that if he is caught, he will be punished. In order for the social contract to function, society must provide not only a system of laws, but a system of enforcing the laws as well.

According to Rousseau, living in a civil society gives a person's actions a moral quality they would not have if that person lived in a state of nature. "It is only then, when the voice of duty has taken the place of physical impulse, and right that of desire, that man, who has hitherto thought only of himself, finds himself compelled to act on other principles, and to consult his reason rather than study his inclinations" [22].

James Rachels summarizes these ideas in an elegant definition of social contract theory:

SOCIAL CONTRACT THEORY

"Morality consists in the set of rules, governing how people are to treat one another, that rational people will agree to accept, for their mutual benefit, on the condition that others follow those rules as well" [5].

Both social contract theory and Kantianism are based on the idea that there are universal moral rules that can be derived through a rational process. However, there is a subtle, but important difference in how we decide what makes a moral rule ethical. Kantianism has the notion that it is right for me to act according to a moral rule if

the rule can be universalized. Social contract theory holds that it is right for me to act according to a moral rule if rational people would collectively accept it as binding because of its benefits to the community.

Hobbes, Locke, and many other philosophers of the seventeenth and eighteenth centuries held that all morally significant beings have certain rights, such as the right to life, liberty, and property. Some modern philosophers would add other rights to this list, such as the right to privacy.

There is a close correspondence between rights and duties. If you have the right to life, then others have the duty or obligation not to kill you. If you have a right to free health care when you are ill, then others have the duty to make sure you receive it. Rights can be classified according to the duties they put on others. A negative right is a right that another can guarantee by leaving you alone to exercise your right. For example, the right of free expression is a negative right. In order for you to have that right, all others have to do is not interfere with you when you express yourself. A positive right is a right that obligates others to do something on your behalf. The right to a free education is a positive right. In order for you to have that right, the rest of society must allocate resources so that you may attend school.

Another way to view rights is to consider whether they are absolute or limited. An absolute right is a right that is guaranteed without exception. Negative rights are usually considered absolute rights. For example, there is no situation in which it would be reasonable for another person to interfere with your right to life. A limited right is a right that may be restricted based on the circumstances. Typically, positive rights are considered to be limited rights. For example, American states guarantee their citizens the right to an education. However, because states do not have unlimited budgets, they typically provide a free education for everyone up through the 12th grade but require people to pay for at least some of the costs of their higher education.

Proponents of social contract theory evaluate moral problems from the point of view of moral rights. Kant argued that rights follow from duties. Hence Kantians evaluate moral problems from duties or obligations.

2.9.2 Rawls's Theory of Justice

One of the criticisms of utilitarianism is that the utilitarian calculus is solely interested in the total amount of happiness produced. From a purely utilitarian standpoint, an unequal distribution of a certain amount of utility is better than an equal distribution of a lesser amount of utility.

Social contract theory recognizes the harm that a concentration of wealth and power can cause. According to Rousseau, "the social state is advantageous to men only when all possess something and none has too much" [22]. John Rawls (1921-2002), who did much to revive interest in social contract theory in the twentieth century, proposed two principles of justice that extend the definition of the social contract to include a principle dealing with unequal distributions of wealth and power.

JOHN RAWLS'S PRINCIPLES OF JUSTICE

1. Each person may *claim* a "fully adequate" number of *basic rights* and liberties, such as freedom of thought and speech, freedom of association, the right to be safe from harm, and the right to own property, so long as these claims are consistent with everyone else having a claim to the same rights and liberties.
2. Any social and economic inequalities must satisfy two conditions: first, they are associated with positions in society that everyone has a fair and equal opportunity to assume; and second, they are "to be to the greatest benefit of the least-advantaged members of society (the **difference principle**)" [23].

Rawls's first principle of justice, illustrated in Figure 2.7, is quite close to our original definition of social contract theory, except that it is stated from the point of view of rights and liberties rather than moral rules. The second principle of justice, however, focuses on the question of social and economic inequalities. It is hard to imagine a society in which every person has equal standing. For example, it is unrealistic to expect every person to be involved in every civic decision. Instead, we elect representatives who vote in our place and officials who act on our behalf. Likewise, it is hard to imagine everybody in a society having equal wealth. If we allow people to hold private property, we should expect that some people will acquire more than others. According to Rawls, social and economic inequalities are acceptable if they meet two conditions.

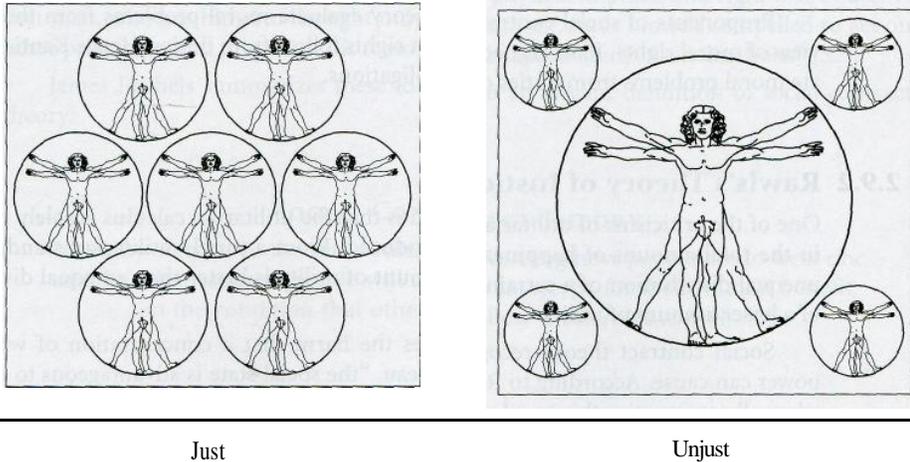


FIGURE 2.7 Rawls's first principle of justice states that each person may have a "fully adequate" number of rights and liberties as long as they are consistent with everyone else having the same rights and liberties.

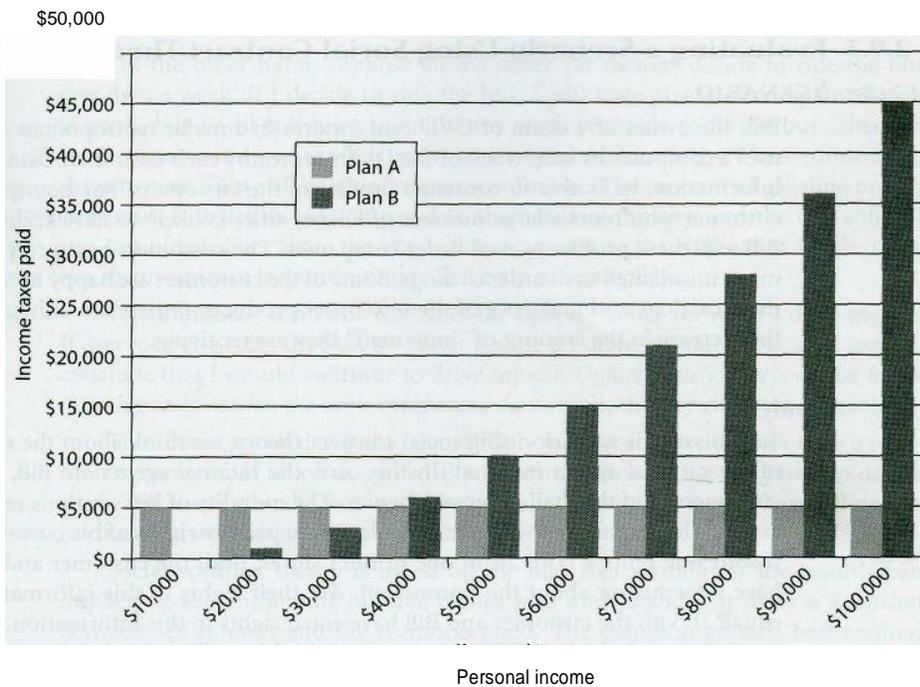


FIGURE 2.8 Suppose both of these income tax structures will produce the same income to the government. Under Plan A, every citizen pays \$5,000; under Plan B, the amount each citizen pays depends upon his or her income. Plan B does not treat every citizen equally, but the inequality is justified under Rawls's difference principle because it is of greatest benefit to the most disadvantaged.

First, every person in the society should have an equal chance to assume a position of higher social or economic standing. That means that two people born with equal intelligence, equal talents, and equal motivation to use them wisely should have the same probability of reaching an advantaged position, regardless of the social or economic class to which they were born. For example, the fact that someone's last name is Bush or Kennedy should not give that person a greater probability of being elected President of the United States than any other American born with equal intelligence, talent, and determination.

The second condition, called the difference principle, states that social and economic inequalities must be justified. The only way to justify a social or economic inequality is to show that its overall effect is to provide the most benefit to the least advantaged. The purpose of this principle is to help maintain a society composed of free *and equal* citizens. An example of the difference principle in action is a graduated income tax system in which people with higher incomes pay a higher percentage of their income in taxes (Figure 2.8). An example of a violation of the difference principle would be a military draft system in which poor people had a higher probability of being drafted than wealthy people.

2.9.3 Evaluating a Scenario Using Social Contract Theory

SCENARIO

Bill, the owner of a chain of DVD rental stores in a major metropolitan area, uses a computer to keep track of the DVDs rented by each customer. Using this information, he is able to construct profiles of the customers. For example, a customer who rents a large number of Disney titles is likely to have children. Bill sells these profiles to mail order companies. The customers begin receiving many unsolicited mail order catalogs. Some of the customers are happy to receive these catalogs and make use of them to order products. Others are unhappy at the increase in the amount of "junk mail" they are receiving.

Analysis

To analyze this scenario using social contract theory, we think about the rights of the rational agents involved. In this case, the rational agents are Bill, his customers, and the mail order companies. The morality of Bill's actions revolve around the question of whether he violated the privacy rights of his customers. If someone rents a DVD from one of Bill's stores, both the customer and Bill have information about the transaction. Are their rights to this information equal? If both the customer and Bill have equal rights to this information, then you may conclude there is nothing wrong with him selling this information to a mail order company. On the other hand, if customers have the right to expect transactions to be confidential, you may conclude that Bill was wrong to sell this information without gaining the permission of the customer.

2.9.4 The Case for Social Contract Theory

1. *It is framed in the language of rights.*

The cultures of many modern countries, particularly Western-style democracies, promote individualism. For people raised in these cultures, the concept of individual rights is powerful and attractive.

2. *It explains why rational people act out of self-interest in the absence of a common agreement.*

Suppose we are living in a city experiencing a gasoline shortage. If every car owner uses public transportation two days a week, there will be enough gasoline to go around. I need to decide if I will take the bus two days a week.

Suppose no other car owners ride the bus two days a week. If I decide to ride the bus, I will have to put up with the inconvenience and the city will still run out of gas. Alternatively, I can do what everybody else is doing and continue driving my car until the gasoline supply is exhausted. Since the city will run out of gas either way, I experience less inconvenience by continuing to drive my car every day.

On the other hand, suppose all the other car owners decide to ride the bus two days a week. If I decide to ride the bus, I will have plenty of company, which is good, but I will still have to adjust my work schedule to fit the bus schedule, waste time waiting at the bus stop, and so on. Alternatively, I can continue to drive my car. That will be more convenient for me. The amount of gasoline my car consumes is insignificant compared to the needs of the city, and the city will not run out of gasoline. Since the city will not run out of gas either way, I experience less inconvenience by continuing to drive my car every day.

To summarize, if no one else rides the bus, it's better for me if I drive my car. If everyone else rides the bus, it's better for me if I drive my car. I have used logic to conclude that I should continue to drive my car. *Unfortunately, everyone else in the town logically reaches the same conclusion!* As a result, the city runs out of gasoline.

The reason we all decided to act selfishly was because we did not have a common agreement. If all of us agreed that everyone should ride the bus two days a week, and those who did not would be punished, then logic would have led people to choose to use public transportation.

Social contract theory is based on the idea that morality is the result of an implicit agreement among rational beings who understand that there is a tension between self-interest and the common good. The common good is best realized when everyone cooperates. Cooperation occurs when those acting selfishly suffer negative consequences.

3. *It provides a clear ethical analysis of some important moral issues regarding the relationship between people and government.*

For example, social contract theory provides a logical explanation of why it is morally acceptable to punish someone for a crime. You might ask, "If everyone has a right to liberty, how can we put in prison someone who has committed a crime?" The social contract is based on the notion that everyone benefits when everyone bears the burden of following certain rules. Knowledge that those who do not follow the rules will be punished restrains individuals from selfishly flouting their obligations. People will have this knowledge only if society punishes those who commit crimes.

Another example is the problem of civil disobedience. Social contract theory provides a straightforward explanation of why civil disobedience can be the morally right decision.

Consider the lunch counter sit-ins of the 1960s. On February 1, 1960, four African-American students from North Carolina A&T walked into the Woolworth's store on South Elm Street in Greensboro, sat down at a whites-only lunch counter, and asked for service. When they were denied service, they refused to leave, sitting at their stools until the store closed. Two days later, 85 students participated in the "sit-in" at Woolworth's. All of these students were breaking segregation laws, but according to social contract theory their actions could be considered morally

justified. As we have said, the social contract is based on the idea that everyone receives certain benefits in return for bearing certain burdens. The segregation laws were designed to give people of color greater burdens and fewer benefits than white people. Hence they were unjust.

2.9.5 The Case against Social Contract Theory

1. *None of us signed the social contract.*

The social contract is not a real contract. Since none of us have actually agreed to the obligations of the citizens of our society, why should we be bound to them?

Defenders of social contract theory point out that the social contract is a theoretical notion that is supposed to explain the rational process through which communities adopt moral guidelines. As John Rawls puts it, social contract agreements are *hypothetical* and *nonhistorical*. They are hypothetical in the sense that they are what reasonable people "could, or would, agree to, not what they have agreed to" [23]. They are nonhistorical because they "do not suppose the agreement has ever, or indeed ever could actually be entered into" [23]. Furthermore, even if it could be entered into, that would make no difference. The reason it would make no difference is because the moral guidelines are supposed to be the result of analysis (facts and values plus logical reasoning), not history. Social contract theory is *not* cultural relativism in disguise.

2. *Some actions can be characterized in multiple ways.*

This is a problem social contract theory shares with Kantianism. Some situations are complicated and can be described in more than one way. Our characterization of a situation can affect the rules or rights we determine to be relevant to our analysis.

3. *Social contract theory does not explain how to solve a moral problem when the analysis reveals conflicting rights.*

This is another problem social contract theory shares with Kantianism. Consider the knotty moral problem of abortion, in which the mother's right to privacy is pitted against the fetus's right to life. As long as each of these rights is embraced by one side in the controversy, the issue cannot be resolved. What typically happens in debates is that advocates on one side of the issue "solve" the problem by discounting or denying the right invoked by their adversaries.

4. *Social contract theory may be unjust to those people who are incapable of upholding their side of the contract.*

Social contract theory provides every person with certain rights in return for that person bearing certain burdens. When a person does not follow the moral rules, he or she is punished. What about human beings who, through no fault of their own, are unable to follow the moral rules?

A response to this objection is that there is a difference between someone who deliberately chooses to break a moral rule and someone who is incapable of

understanding a rule. Society must distinguish between these two groups of people. People who deliberately break moral rules should be punished, but people who cannot understand a rule must be cared for.

However, this response overlooks the fact that distinguishing between these two groups of people can be difficult. For example, how should we treat drug addicts who steal to feed their addiction? Some countries treat them as criminals and put them in a prison. Other countries treat them as mentally ill people and put them in a hospital.

These criticisms demonstrate some of the weaknesses of social contract theory. Nevertheless, social contract theory is logical and analytical. It allows people to explain why a particular action is moral or immoral. According to our criteria, it is a workable ethical theory, joining Kantianism, act utilitarianism, and rule utilitarianism.

2.10 Comparing Workable Ethical Theories

The divine command theory, ethical egoism, Kantianism, act utilitarianism, rule utilitarianism, and social contract theory share the viewpoint that moral good and moral precepts are objective. In other words, morality has an existence outside the human mind. For this reason we say these theories are examples of objectivism.

What distinguishes ethical egoism, Kantianism, utilitarianism, and social contract theory from the divine command theory is the assumption that ethical decision-making is a rational process by which people can discover objective moral principles with the use of logical reasoning based on facts and commonly held values. Kantianism, utilitarianism, and social contract theory explicitly take other people into consideration when denning what makes an action morally correct, which sets these theories apart from ethical egoism. Of all the theories we have considered, we conclude that Kantianism, act utilitarianism, rule utilitarianism, and social contract theory are the most workable.

An act utilitarian considers the consequences of the action, computing the total change in utility to determine if an action is right or wrong. The other three workable theories are rule-based. According to Kantianism, rule utilitarianism, and social contract theory, an action is morally right if it is in accord with a correct moral rule.

Each of the rule-based theories has a different way of determining if a moral rule is correct. A Kantian relies upon the Categorical Imperative. A rule utilitarian considers what the long-term consequences of everyone following the rule would be for the total good. An adherent of social contract theory considers whether rational people would agree to accept the rule, for everyone's mutual benefit, provided that everyone else agreed to follow the rule as well.

These differences among the theories are presented graphically in Figure 2.9.

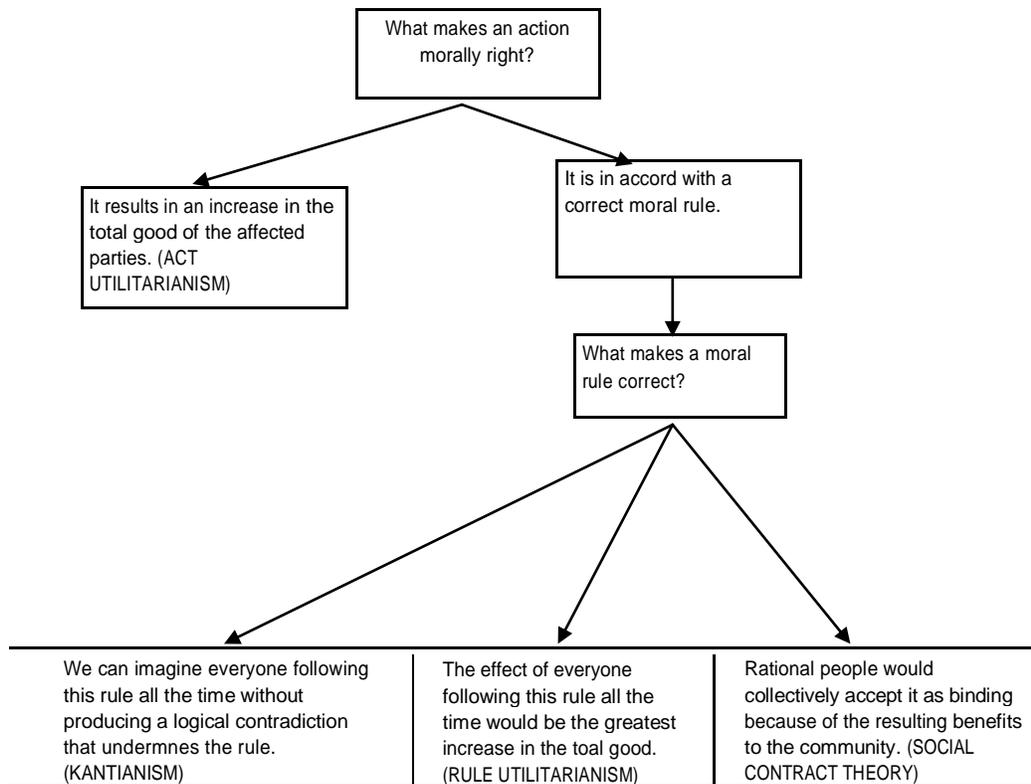


FIGURE 2.9 Comparison of four workable ethical theories. All of these theories explicitly take people other than the decision-maker into consideration, assume that moral good and moral precepts are objective, and rely upon reasoning from facts and commonly held values.

2.11 Morality of Breaking the Law

What is moral and what is legal are not identical. Certain actions may be wrong, even if there are no laws forbidding these actions. For example, most American states do not have laws prohibiting texting while driving, but people are still morally responsible for traffic accidents they cause because they are distracted by texting. What about the opposite situation? Is it possible that an action may be the right thing to do, even if it is illegal?

In our discussion of social contract theory, we discussed the morality of civil disobedience, and we concluded that the lunch counter sit-ins were morally acceptable because the segregation laws being violated were unjust. Here we are considering a different situation. We are assuming the law is just and there are no overriding moral concerns. When this is the case, is it possible that an illegal action may be the right action?



FIGURE 2.10 According to social contract theory, we have *prima facie* obligation to obey the law. (Beth Anderson)

Let's analyze this question from the point of view of our four workable ethical theories. To ground our analysis, we will consider a particular illegal action: violating a licensing agreement by copying a CD containing copyrighted music and giving it to a friend.²

2.11.1 Social Contract Theory Perspective

Social contract theory is based on the assumption that everyone in society ought to bear certain burdens in order to receive certain benefits. The legal system is instituted to guarantee that people's rights are protected. It guarantees people will not choose their selfish interests over the common good. For this reason we have *prima facie* obligation to obey the law (Figure 2.10). That means, everything else being equal, we should be law-abiding. In return, our own legal rights will be respected. Our obligation to obey the law should only be broken if we are compelled to follow a higher-order moral obligation.

From the point of view of social contract theory, then, it is wrong to give a friend a copy of a CD containing copyrighted music, because that action violates the legal rights

2. This action is illegal in the United States and many other countries, but it is not illegal in every country.

of the person or organization owning the copyright, and the desire to do something nice for a friend is not an overriding moral concern.

2.11.2 Kantian Perspective

According to the Categorical Imperative, we should act only from moral rules that we can at the same time will to be universal moral laws. Suppose I think the current copyright laws are unjust because they unfairly favor the producers of intellectual property rather than the consumers. I could propose the following rule: "I may ignore a law that I believe to be unjust."

What happens when we universalize this rule? If everyone acted according to this rule—ignoring laws they felt to be unjust—then the authority of the legislature to create laws would be fatally undermined. Yet the goal of the legislature is to create laws that ensure we live in a just society. Hence there is a logical contradiction, because I cannot both will that there be justice (by ignoring what I consider to be an unjust law) and will that there be no justice (by denying the legislature the authority it needs to create a just society).

Another line of Kantian reasoning leads us to the same conclusion. If I copy a CD containing copyrighted material, I am violating the legal rights of the person who owns the copyright. No matter how good my intended use of the CD, I am using the copyright owner if I make a copy without his or her permission. This violates the second formulation of the Categorical Imperative. Therefore, it is wrong to copy the CD.

2.11.3 Rule Utilitarian Perspective

What would be the consequences of people ignoring laws they felt to be unjust? A beneficial consequence is the happiness of the people who are doing what they please rather than obeying the law. There are, however, far more harmful consequences. First, the people directly affected by lawless actions will be harmed. Second, people in general would have less respect for the law. Third, assuming increased lawlessness puts an additional burden on the criminal justice system, society as a whole would have to pay for having additional police officers, prosecutors, judges, and prisons. Hence, from a rule utilitarian viewpoint, breaking the law is wrong.

2.11.4 Act Utilitarian Perspective

We will do an act utilitarian analysis to show it is possible to conceive of situations where the benefits of breaking a law are greater than the harms. Suppose I purchase a music CD. I play it, and I think it is great. A friend of mine is in a terrible automobile accident. While he recovers, he will need to stay quiet for a month. I know he has no money to spend on music. In fact, people are doing fundraisers simply to help his family pay the medical bills. I don't have money to contribute to a fundraiser, but I think of another way I could help him out. I give my friend a copy of the CD. He is grateful for having a diversion during his time of bed rest.

What are the consequences of my action? As far as I can tell, there is no lost sale, because even if I had not given my friend a copy of the CD, he would not have bought it. In fact, giving a copy of the CD to my friend may actually increase the sales of the CD if my friend likes it and recommends it to other people who do have money to spend on CDs. I am not likely to be prosecuted for what I did. Therefore, there will be no impact on the legal system. No extra police detectives, prosecutors, or judges will need to be hired as a result of my action. The principal harm I have done is to have violated the legal rights of the owner of the copyright. The benefits are that my friend is thrilled to have something to do during his recovery and I am happy to have been able to do something to help him out during his time of need. Overall, the benefits appear to outweigh the harms.

Our analysis has concluded that copying a CD is morally acceptable in this particular and admittedly rather extreme situation, but it would be a logical fallacy to conclude from this analysis that all instances of CD copying are morally acceptable according to act utilitarianism.

2.11.5 Conclusion

There is nothing intrinsically immoral about copying a CD. However, our society has chosen to enact laws that grant intellectual property rights to people who do creative work and distribute it on CDs. From the viewpoint of Kantianism, rule utilitarianism, and social contract theory, breaking the law is wrong unless there is a strong overriding moral obligation. Copying a disc to save a few dollars or help a friend does not fall into that category. Copying a CD containing copyrighted music is immoral *because* it is illegal.

From an act utilitarian viewpoint, it is possible to come up with an exceptional circumstance where making a copy of a copyrighted CD is the right action. However, it would be wrong to extrapolate from this particular case and conclude that an act utilitarian analysis would determine all instances of CD copying to be morally acceptable.

Summary

We live together in communities for our mutual benefit. Every society has guidelines indicating what people are supposed to do in various circumstances. We call these guidelines morality. Ethics, also called moral philosophy, is a rational examination into people's moral beliefs and behaviors. In this chapter we have considered a variety of ethical theories with the purpose of identifying those that will be of most use to us as we consider the effects of information technology on society.

Relativistic theories are based on the idea that people *invent* morality. A relativist claims there are no universal moral principles. Subjective relativism is the theory that morality is an individual creation. Cultural relativism is the idea that each society determines its own morality. If morality is invented, and no set of moral guidelines is any better than another, then there are no objective criteria that can be used to determine

if one set of guidelines is better than another. Under these circumstances, the study of ethics is extremely difficult, if not impossible. For this reason we shall not make use of relativistic theories.

In contrast, objectivism is based on the idea that morality has an existence outside the human mind. It is the responsibility of people to *discover* morality. An objectivist claims there are certain universal moral principles that are true for all people, regardless of their historical or cultural situation. All of the remaining ethical theories we considered fall into this category.

The divine command theory is based on the idea that God has provided us with moral guidelines designed to promote our well-being. These guidelines are to be followed because they reflect the will of God, not because we understand them. Because this theory does not rationally derive moral guidelines from facts and commonly held values, we reject it as a useful ethical theory.

According to ethical egoism, the right thing for a person to do in any situation is the action that will benefit him or her the most. Because ethical egoism formally excludes giving weight to the benefits to other people or the community as a whole when making decisions, it is incompatible with our assumption that other people and their core values should be considered.

Another objectivist theory, Kantianism, is focused on dutifulness. If we are dutiful, we will feel compelled to act in certain ways out of respect for moral rules. A moral rule is appropriate if it is consistent with the Categorical Imperative. Kant provides two formulations of the Categorical Imperative. The first is: "Act only from moral rules that you can at the same time will to be universal laws." The second is: "Act so that you always treat both yourself and other people as ends in themselves, and never solely as a means to an end." While both Kantianism and the divine command theory hold that actions should be motivated by the desire to obey universal moral rules, Kantianism holds that rational beings can discover these rules without relying upon divine inspiration. Kantianism is considered a non-consequentialist theory because the morality of an action is determined by evaluating the moral rule upon which the will to act is grounded rather than the action's consequences.

Utilitarianism, developed by Jeremy Bentham and John Stuart Mill, is based upon the Principle of Utility, also called the Greatest Happiness Principle. According to this principle, an action is right (or wrong) to the extent that it increases (or decreases) the total happiness of the affected parties. Utilitarianism is called a consequentialist theory, because its focus is on the consequences of an action. Act utilitarianism is the theory that an action is good if its net effect (over all affected beings) is to produce more happiness than unhappiness. An action is bad if its net effect is to produce more unhappiness than happiness. Rule utilitarianism is the ethical theory that holds that we ought to adopt those moral rules which, if followed by everyone, will lead to the greatest increase in total happiness. In other words, rule utilitarianism applies the Principle of Utility to moral rules, while act utilitarianism applies the Principle of Utility to individual moral actions. Both of these theories hold that rational beings can perform the analysis needed to determine if a moral action or moral rule is good or evil.

The final ethical theory we considered was social contract theory, identified with Thomas Hobbes, John Locke, Jean-Jacques Rousseau, and John Rawls. Social contract theory holds that "morality consists in the set of rules, governing how people are to treat one another, that rational people will agree to accept, for their mutual benefit, on the condition that others follow those rules as well" [5]. Rawls proposed two principles of justice that are designed to maintain society over time as an association of free and equal citizens. Like Kantianism and both forms of utilitarianism, social contract theory is based on the premise that there are universal, objective moral rules that can be discovered through rational analysis.

Our survey identified four practical ethical theories: Kantianism, act utilitarianism, rule utilitarianism, and social contract theory. We used these theories to analyze the question "Is it morally acceptable to break the law?" According to social contract theory, Kantianism, and rule utilitarianism, the answer to this question is "Probably not." It is wrong to break the law unless there is an overriding moral concern. From an act utilitarian perspective, however, it is possible to devise an extreme situation in which the benefits of breaking the law outweigh the harms. However, act utilitarianism cannot be used to justify a general disregard for obeying the law.

Our discussion of the strengths and weaknesses of Kantianism, act utilitarianism, rule utilitarianism, and social contract theory revealed that each of these theories contains a valuable insight. According to Kant, interactions with other people should respect them as rational beings, and it is wrong for one person to treat someone else only as a means to an end. Utilitarians understand that it's helpful to consider the consequences of an action when deciding whether it is right or wrong. Social contract theory focuses on the individual and collective benefits of a common agreement that promotes certain rights, such as the right to life, liberty, and property.

In the chapters that follow, we'll use Kantianism, act utilitarianism, rule utilitarianism, and social contract theory to evaluate a variety of problems arising from the introduction of information technology into society. Every analysis will be based on one of the theories, so that you may come to a better understanding of how to apply each theory to different situations.

In practice, however, there is no reason why you cannot consider duties *and* rights *and* consequences when making moral decisions. (For an example of this approach, read the interview with James Moor at the end of this chapter.) You will, however, encounter many problems for which it is impossible to respect everyone's rights absolutely and also maximize the total beneficial consequences. Instead, one of these considerations will have to take priority. Pondering the situations described in the rest of this book and discussing them with others will help you learn more about your personal values and what it means for you to be a person of good character, setting the stage for the introduction of virtue ethics in Chapter 8.

Review Questions

1. Define in your own words what "the ethical point of view" means.

2. Define morality and ethics in your own words.
3. What is the difference between morality and ethics?
4. What is the difference between relativism and objectivism?
5. What are the advantages of using an ethical theory in which all humans are treated equally and guidelines are developed through a process of logical reasoning?
6. Two people are debating the morality of a particular action. Person A explains why he believes the action is wrong. Person B disagrees with Person A. Her response to him is, "That's your opinion." Person B has not made a strong ethical argument. Why not?
7. What do we mean when we say an ethical theory is rational?
8. What is the many/any fallacy? Invent your own example of this fallacy.
9. What is the equivalence fallacy? Invent your own example of this fallacy.
10. Come up with your own example of a moral rule that would violate the Categorical Imperative.
11. What is plagiarism? Describe four different ways that a person can commit plagiarism. (See Appendix A.)
12. What is the difference between plagiarism and misuse of sources?
13. What is the difference between a consequentialist theory and a non-consequentialist theory?
14. Give three examples of a situation in which your action would be primarily motivated by a sense of duty or obligation. Give three examples of a situation in which your action would be primarily motivated by its expected consequences.
15. What is the problem of moral luck?
16. Why do businesses and governments often use utilitarian thinking to determine the proper course of action?
17. What is the difference principle?
18. Is social contract theory as first presented a consequentialist theory or a non-consequentialist theory? Is social contract theory as articulated in Rawls's two principles of justice a consequentialist theory or a non-consequentialist theory?
19. Describe similarities and differences between subjective relativism and ethical egoism.
20. Describe similarities and differences between divine command theory and Kantianism.
21. Describe similarities and differences between subjective relativism and act utilitarianism.
22. Describe similarities and differences between Kantianism and rule utilitarianism.
23. Describe similarities and differences between act utilitarianism and rule utilitarianism.
24. Describe similarities and differences between cultural relativism and social contract theory.
25. Describe similarities and differences between Kantianism and social contract theory.
26. Evaluate the four scenarios presented in Section 2.1 from a Kantian perspective.
27. Evaluate the four scenarios presented in Section 2.1 from an act utilitarian perspective.

28. Evaluate the four scenarios presented in Section 2.1 from a rule utilitarian perspective.
29. Evaluate the four scenarios presented in Section 2.1 from the perspective of social contract theory.

Discussion Questions

30. If everyone agreed to take the ethical point of view by respecting others and their core values, would there be any need for a rigorous study of ethics?
31. If you had to choose only one of the ethical theories presented in this chapter and use it for all of your personal ethical decision-making, which theory would you choose? Why? How would you respond to the arguments raised against the theory you have chosen?
32. Most ethical theories agree on a large number of moral guidelines. For example, it is nearly universally held that it is wrong to steal. What difference, then, does it make whether someone subscribes to the divine command theory, Kantianism, utilitarianism, or one of the other ethical theories? (Hint: Think about which theories are more persuasive when they lead to different conclusions about the right thing to do.)
33. Suppose a spaceship lands in your neighborhood. Friendly aliens emerge and invite humans to enter the galactic community. You learn that this race of aliens has colonized virtually the entire galaxy; Earth is one of the few inhabitable planets to host a different intelligent species. The aliens seem to be remarkably open-minded. They ask you to outline the ethical theory that should guide the interactions between our two species. Which ethical theory would you describe? Why?
34. According to the Golden Rule, you should do unto others as you would want them to do unto you. Is the Categorical Imperative simply the Golden Rule in disguise?
35. The Silver Rule states, "Do not do unto others what you do not want them to do unto you." Which ethical theory presented in this chapter is closest to the Silver Rule?
36. Are there any ethical theories described in this chapter that would allow someone to use the argument "Everybody is doing it" to show that an activity is not wrong?
37. How well does Moor's theory of "just consequentialism" (described in the interview at the end of this chapter) solve the problems associated with Kantianism and rule utilitarianism?
38. Can moral decisions be made on a purely rational, algorithmic basis, or are there limits to rationality in moral decisionmaking?
39. What are some examples of contemporary information technology issues for which our society's moral guidelines seem to be nonexistent or unclear? (Hint: Think about issues that are generating a lot of media coverage or lawsuits.)
40. People give a variety of reasons for copying a music CD from a friend instead of buying it [25]. Refute each of the reasons given below using one of the viable theories described in this chapter. (You don't have to use the same theory each time.)
 - a. I don't have enough money to buy it.
 - b. The retail price is too high. The company is gouging customers,
 - c. Since I wouldn't have bought it anyway, the company didn't lose a sale.

- d. I'm giving my friend the opportunity to do a good deed.
 - e. Everyone else is doing it. Why should I be the only person to buy it when everyone else is getting it for free?
 - f. This is a drop in the bucket compared to Chinese pirates who sell billions of dollars worth of copied music.
 - g. This is insignificant compared to the billions of dollars worth of music being exchanged over the Internet.
41. Students in a history class are asked to take a quiz posted on the course Web site. The instructor has explained the following rules to the students: First, they are supposed to do their own work. Second, they are free to consult their lecture notes and the textbook while taking the quiz. Third, in order to get credit for the quiz, they must correctly answer at least 80 percent of the questions. If they do not get a score of 80 percent, they may retake the quiz as many times as they wish.
- Mary and John are both taking the quiz. They are sitting next to each other in the computer room. John asks Mary for help in answering one of the questions. He says, "What's the difference if you tell me the answer, I look it up in the book, or I find out from the computer that my answer is wrong and retake the quiz? In any case, I'll end up getting credit for the right answer." Mary tells John the correct answer to the question.
- Discuss the morality of Mary's decision.
42. Suppose a society holds that it is wrong for one individual to eavesdrop on the telephone conversations of another citizen. Should that society also prohibit the government from listening in on its citizens' telephone conversations?

In-Class Exercises

43. In Plato's dialogue *The Republic*, Glaucon argues that people do not voluntarily do what is right [26]. According to Glaucon, anyone who has the means to do something unjust and get away with it will do so. Glaucon illustrates his point by telling the story of Gyges.
- Gyges, a shepherd, discovers a magic ring. He accidentally discovers that wearing this ring renders him invisible. He uses the power of the ring to seduce the queen, kill the king, and take over the kingdom.
- Divide the class into two groups (pro and con) to debate the following proposition: Whenever people have the opportunity to act unjustly without any fear of getting caught or anyone thinking the worse of them, they do so.
44. For one of the following issues divide the class into two groups (pro and con) to argue whether the right should be considered a legitimate positive right by our society:
- a. The right to a higher education
 - b. The right to housing
 - c. The right to health care
 - d. The right of a Presidential candidate to receive time on television
45. Is the right to life a negative right or a positive right? In other words, when we say someone has the right to life, are we simply saying we have an obligation not to harm

that person, or are we saying we have an obligation to provide that person what he or she needs in order to live, such as food and shelter?

Divide the class into two groups. One group should argue that the right to life is a negative right; the other should argue that the right to life is a positive right.

46. Divide the class into two groups (pro and con) to debate this proposition: The citizens of a representative democracy are morally responsible for the actions of their government.
47. Divide the class into two groups (pro and con) to debate this proposition: The moral guidelines for individuals should apply to interactions among nation-states.

Further Reading

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