Why Do We Need Ethical Theories?

- Ethical theories can guide us in our analysis of moral issues involving cyber-technology.

- Is there a simpler, alternative scheme that we could use in our moral deliberations?

- Why not simply follow the "golden rule" or follow one's own conscience?
Following the Golden Rule

- No one would ever object to the spirit the golden rule: "Do unto others as you would have them do unto you."

- This rule assumes that whatever I am willing to accept that you do unto me, you would also be willing to accept that I do unto you.

Example:

- Suppose that if I were a programmer I would be willing to give away my software programs for free. Does it follow that I should expect others to do the same for me?
Following your Conscience

- On the face of it, the notion of following one's conscience seems like a reasonable maxim.
- It is a dangerous principle or rule for grounding one’s choices for acting morally.

Example:
Consider that the 9/11 terrorists might have been following their individual consciences.

- Because conscience is very subjective, it cannot provide grounds for moral deliberation that are both rational and impartial.
The Structure of Ethical Theories

- An essential feature of theory in general is that it guides us in our investigations.
- In science, theory provides us with some general principles and structures to analyze our data.
- The purpose of ethical theory, like scientific theory, is to provide us with a framework for analyzing moral issues.
- Ideally, a good theory should be
  - coherent,
  - consistent,
  - comprehensive
  - systematic.
The Structure of Ethical Theories (Continued)

- To be *coherent*, the individual elements of the theory must fit together to form a unified.

- For a theory to be *consistent*, its component parts cannot contradict each other.

- To be *comprehensive*, a theory must be able to apply broadly to a wide range of actions.

- And to be *systematic*, the theory cannot simply address individual symptoms peculiar to specific cases, while ignoring general principles that would apply in similar cases.
Case Illustration: The "Bork Bill"

- Judge Robert Bork was nominated for the Supreme Court.
- Reporters went to a video store to find out what kinds of movies Bork rented.
- Congress was incensed and passed the Video Protection Act (Bork Bill).
- The Bill was neither comprehensive nor systematic.
Four Ethical Theories

- Consequence-based
- Duty-based
- Contract-based
- Character-based
Consequence-based Ethical Theories

- Some argue that the primary goal of a moral system is to produce desirable consequences or outcomes for its members.

- On this view, the consequences (i.e., the ends achieved) of actions and policies that provide the ultimate standard against which moral decisions must be evaluated.

- So if choosing between acts A or B, the morally correct action will be the one that produces the most desirable outcome.
Consequence-based Theories (Continued)

- In determining the best outcome, we can ask the question, *whose outcome*?
- *Utilitarians* argue that it is the consequences of the greatest number of individuals, or the majority, in a given society that deserve consideration in moral deliberation.
Consequence-based Theories: (Utilitarianism continued)

- According to the utilitarian theory:

  An individual act (X) or a social policy (Y) is morally permissible if the consequences that result from (X) or (Y) produce the greatest amount of good for the greatest number of persons affected by the act or policy.
Consequence-based Theories: (Utilitarianism continued)

Utilitarian draw on two principles in defending their theory:

(i) The principle of social utility
(ii) The belief that social utility can be measured by the amount of happiness produced
Utilitarianism (continued)

Utilitarian like Jeremy Bentham assume:

(a) All people desire happiness.
(b) Happiness is an intrinsic good that is desired for its own sake.
According to John Stuart Mill:

*The only possible proof showing that something is audible is that people actually hear it; the only possible proof that something is visible is that people actually see it; and the only possible proof that something is desired is that people actually desire it.*
Act Utilitarianism

According to act utilitarian:

An act, $X$, is morally permissible if the consequences produced by doing $X$ result in the greatest good for the greatest number of persons affected by $X$. 
Criticism of Act Utilitarianism

- Critics reject the emphasis on the consequence of individual acts.

- They point out that in our day-to-day activities, we tend not to deliberate on each individual action as if that action were unique.

- Rather, we are inclined to deliberate on the basis of certain principles or general rules that guide our behavior.
Criticism of Act Utilitarianism (continued)

Consider some principles that may guide your behavior as a consumer.

**Example:**
- Each time that you enter a store, do you ask yourself "shall I steal item X in at this particular time?"
- Or have you already formulated certain general principles that guide your individual actions, such as a principle to the effect: "It is never morally permissible to steal?"
Rule Utilitarianism

Some utilitarian argue that it is the consequences that result from following *rules* or principles, not the consequences of individual acts, that are important.

According to *rule utilitarianism*:

An act, $X$, is morally permissible if the consequences of following the general *rule* ($Y$), of which act $X$ is an instance, would bring about the greatest good for the greatest number.
Criticism of Rule Utilitarianism

Critics tend to attack one or both of the following aspects of utilitarian theory:

(I) Morality is ultimately tied to happiness or pleasure.
(II) Morality can ultimately be determined by consequences

Critics of utilitarianism argue that morality can be grounded neither in *consequences* nor in *happiness*. 
Duty-based Ethical Theories

- Immanuel Kant argued that morality must ultimately be grounded in the concept of duty or obligations that humans have to one another.

- Morality can never in the consequences of human actions.

- Thus morality has nothing to do with the promotion of happiness or the achievement of desirable consequences.
Duty-based Ethical Theories (Continued)

- Kant rejects utilitarianism in particular, and all consequentialist ethical theories in general.

- Performing our duties may result in our being unhappy and may not necessarily lead to consequences that are considered desirable.

- Theories in which the notion of duty or obligation serve a foundation for morality are called *deontological* theories.
Kant has two distinct arguments

1. *We have a rational nature*

2. *Human beings are ends-in-themselves, not means to ends.*
Rule Deontology

For Kant, morality conforms to a standard or objective test, a principle that he calls the *Categorical Imperative*.

Kant's imperative has a number of variations, one of which directs us to:

*Act always on that maxim or principle (or rule) which ensures that all individuals will be treated as ends-in-themselves and never merely as a means to an end.*
Rule Deontology (Continued)

- Another variation of the categorical imperative can be paraphrased as:

  Always act on that maxim or principle (or rule) which can be universally binding, without exception, for all human beings.
Categorical Imperative

- Kant believed that if everyone followed the categorical imperative, we would have a genuinely moral system.

- It would be a system based on two essential principles:
  - Universality
  - Impartiality.

- In such a system, every individual would be treated fairly since the same rules would apply universally to all persons.
Criticisms of Rule Deontology

- Kant's theory has been criticized as inadequate because the categorical imperative
  - It can not help us in cases where we have two or more conflicting duties.

Example:

- Consider that we have duties to both keep promises and to tell the truth, and sometimes we encounter situations in which we are required either to tell the truth and break a promise or to keep a promise and tell a lie.

- Kant does not provide us with a mechanism for resolving such conflicts.
Act Deontology

- Ross argues that when two or more moral duties clash, we have to look at individual situations to see which duty is overriding.

- Like act utilitarians, Ross stresses the importance of analyzing individual actions and situations to determine the morally appropriate course of action to take.
Act Deontology (Continued)

- Unlike utilitarians, Ross believes that we must not consider the consequences of actions when deliberating over which course of action morally trumps or outweighs another.

- Like Kant, Ross believes that the notion of duty is ultimate criterion for determining morality.

- But unlike Kant, Ross does not believe that blind adherence to certain maxims or rules can work in every case for determining which duties we must ultimately carry out.
Act Deontology (Continued)

- Ross believes that we have certain *prima facie* (or self-evident) duties which, "all things being equal," we must follow.

- He provides a list of prima facie duties such as honesty, benevolence, justice, etc.

**Example:**

- We have both a prima facie duty not to lie and a prima facie duty to keep a promise.

- If there are no conflicts in a given situation, then each prima facie duty is also what he calls an *actual duty.*
Ross believes that we can determine what our overriding duty is in a particular situation by using a two-step deliberative process:

(a) reflect on the competing prima facie duties
(b) weigh the evidence at hand to determine which course of action would be required in a particular circumstance.
Contract-based Ethical Theories

- From the perspective of social-contract theory, a moral system comes into being by virtue of certain contractual agreements between individuals.

- One of the earliest versions of a contract-based ethical theory can be found in the writings of Thomas Hobbes.
Contract-based Ethical Theories (Continued)

- One virtue of the social-contract model is that it gives us a motivation for being moral.
- It is in our individual self-interest to develop a moral system with rules.
- This type of motivation for establishing a moral system is absent in both the utilitarian or deontological theories.
- So a contract-based ethical theory would seem to have one advantage over them.
Criticisms of Social Contract Theory

- Critics point out that social-contract theory provides for only a minimalist morality.
- It is minimalist in the sense that we are obligated to behave morally only where an explicit or formal contract exists.
- So if I have no express contract with you, or if a country like the US has no explicit contract with a developing nation, there is no moral obligation for me to help you or for the US to come to the aid of that developing nation.
Criticism of Social Contract Theory (Continued)

- We can think of many situations involving morality where there are no express contracts or explicit laws describing our obligations to each other.
- Most of us also believe that in at least some of these cases, we are morally obligated to help others when it is in our power to do so.
Criticism of Social Contract Theory (Continued)

- Philosophers differentiate between two kinds of legal rights:
  - *positive rights*
  - *negative rights*.

- Having a negative right to something means simply that one has the right not to be interfered with in carrying out the privileges associated with that right.
  - For example, your right to vote and your right to own a computer are both negative rights.
Positive vs. Negative Rights

- The holder of a negative right has the right (and the expectation) not to be interfered with in exercising your right
  - For example, your right to go to polls to cast your vote in a particular election or your right to purchase a computer.

- A negative right cannot demand (or even expect) that others must either physically transport you to the voting polls, or provide you with a computer if you cannot afford to purchase one.
Positive and Negative Rights (Continued)

- Positive rights are very rare and are much more difficult to justify philosophically.
- In the U.S., one's right to receive an education is a positive right.
- Because all American citizens are entitled to such an education, they must be provided with a free public education.
- If education requires Internet access at home, should students also be provided with free Internet access?
Character-based Ethical Theories

- Virtue ethics (also sometimes called "character ethics") ignores the roles that consequences, duties, and social contracts play in moral systems in determining the appropriate standard for evaluating moral behavior.

- Virtue ethics focuses on criteria having to do with the character development of individuals and their acquisition of good character traits from the kinds of habits they develop.
Character-based Ethical Theory (continued)

- Virtue ethics can be traced back to Plato and Aristotle.
- To become an ethical person, more is required than simply memorizing and deliberating on certain kinds of rules.
- What is also needed, Aristotle argued, is that people develop certain *virtues*.
- Aristotle believed that to be a moral person, one had to acquire the right virtues (strengths or excellences).
Aristotle believed that through the proper training and acquisition of good habits and character traits, one could achieve moral virtues such as temperance, courage, and so forth that are need to "live well."

According to Aristotle, a moral person one is one who is necessarily disposed to do the right thing.
Character-based Ethical Theories (Continued)

- Instead of asking, "what should I do in such and such a situation?", a virtue ethicist asks: "what kind of person should I be?"

- The emphasis is on being a moral person - not simply understanding what moral rules are and how they apply in certain situations.

- Whole deontological and utilitarian theories are "action-oriented" and "rule-oriented," virtue ethics is "agent-oriented" because it is centered on the agent him/her-self.
Criticism of Character-based Ethical Theories

- Character-based ethical systems tend to flourish in cultures where the emphasis placed on community life is stronger than that accorded to the role of individuals themselves.
- In the West, since the Enlightenment, more emphasis has been placed on the importance of individual autonomy and individual rights.
- In the Ancient Greek world of Aristotle's time, the notion of community was paramount.
## Table 2-3  Four Types of Ethical Theory

<table>
<thead>
<tr>
<th>Type of Theory</th>
<th>Advantages</th>
<th>Disadvantages</th>
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</thead>
<tbody>
<tr>
<td>Consequence-based (Utilitarian)</td>
<td>Stress promotion of happiness and utility</td>
<td>Ignores concerns of justice for the minority population</td>
</tr>
<tr>
<td>Duty-based (Deontology)</td>
<td>Stresses the role of duty and respect for persons</td>
<td>Underestimates the importance of happiness and social utility</td>
</tr>
<tr>
<td>Contract-based (Rights)</td>
<td>Provides a motivation for morality</td>
<td>Offers only a minimal morality</td>
</tr>
<tr>
<td>Character-based (Virtue)</td>
<td>Stresses moral development and moral education</td>
<td>Depends on homogeneous community standards for morality</td>
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Moor’s Ethical Framework of Just Consequentialism: A Two-Step Strategy

1. *Deliberate* over various policies from an impartial point of view to determine whether they meet the criteria for being ethical policies. A policy is ethical if it:
   a. does not cause any unnecessary harms to individual groups
   b. supports individual rights, the fulfilling of duties, etc.

2. *Select* the best policy from the set of just policies arrived at the deliberation stage by ranking ethical policies in terms of benefits and justifiable (harms). In doing this, be sure to:
   a. weigh carefully between the good consequences and the bad consequences in the ethical policies and
   b. distinguish between disagreements about facts and disagreements about principles and values, when deciding which particular ethical policy should be adopted. (Knowledge about the facts surrounding a particular case should inform the decision-making process.)