

Chapter 2: Introduction to Ethics

Ch 1 Catalysts for Change

Process of technological change; ICT moral problems
(Computing, networking, information storage and retrieval)

Ch 2 Introduction to Ethics

Philosophical framework; Method and tools of analysis
(Nine ethical decision-making theories pros and cons)

Ch 3 Networked Communications

Quality of life, Free speech, censorship (Spam, cyberbullying, addiction, pornography)

Ch 4 Intellectual Property

Fair use, abuse, rights, legal (open-source movement, legitimacy protection)

Ch 5 Information Privacy

Electronic trail (communication log, trading transactions, medical records, debt)

Ch 6 Privacy and the Government

Competing interests: personal privacy vs public safety (surveillance, collection, abuses, Invasion)

Ch 7 Computer and Network Security

Vulnerabilities, Malware (Risks of Cyber crime, Cyber espionage, Cyber attacks)

Ch 8 Computer Reliability

Business/Human suffering (reliability, warranties, discipline)

Ch 9 Professional Ethics

Professional practice and code of ethics (moral problem, whistle-blowing, organizational dissent)

Ch 10 Work and Wealth

Workplace monitoring, telecommuting, globalization (Unemployment, Digital divide, Gap poor rich)

Appendix A: Plagiarism

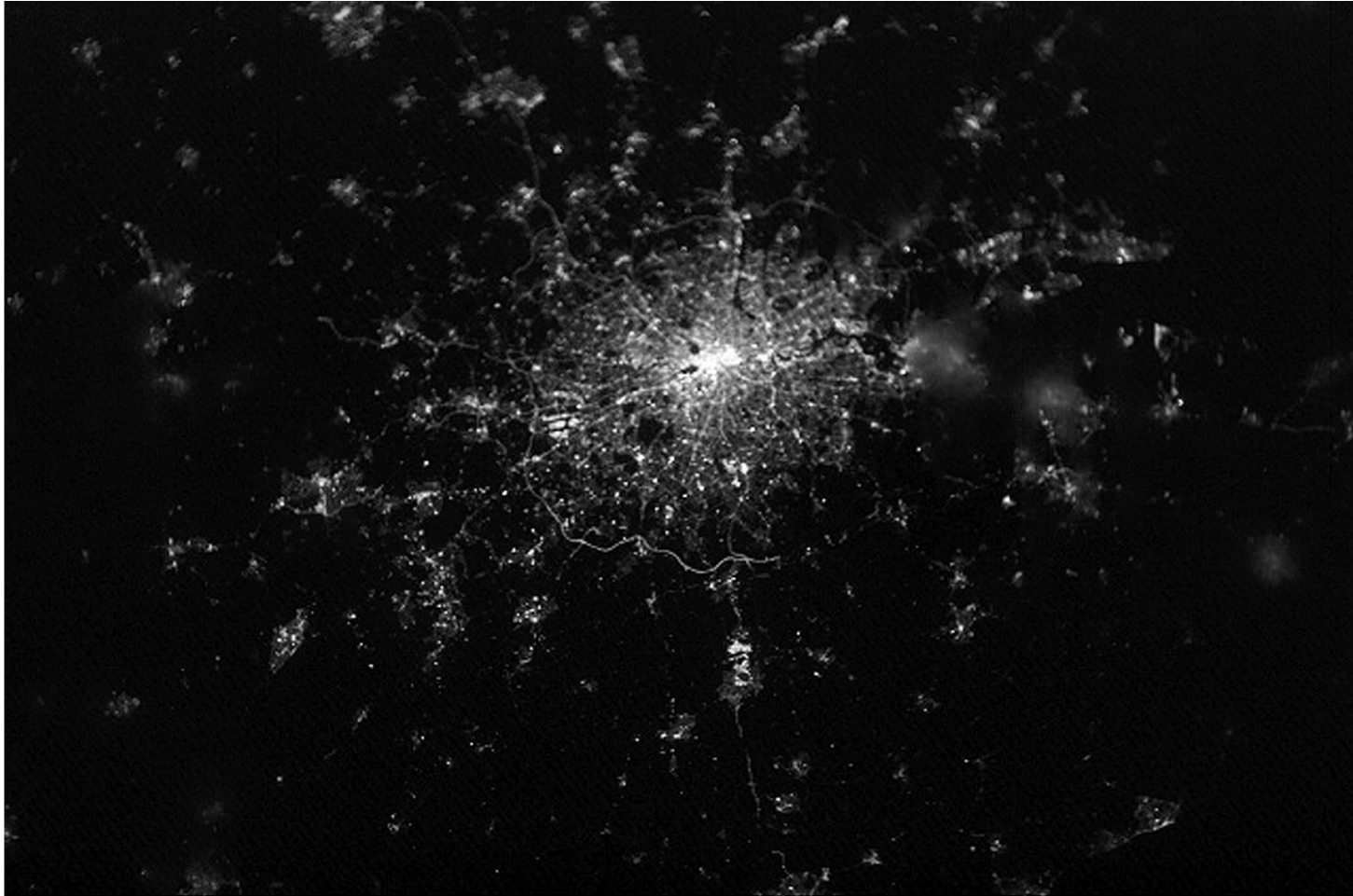
Chapter Overview

- Introduction
- Nine ethical theories
 - First four “**unworkable**”: Subjective Relativism, Cultural Relativism, Divine Command Theory, Ethical Egoism
 - Last **five** “**workable**”: Kantianism, Act Utilitarianism, Rule Utilitarianism, Social Contract theory, Virtue Ethics
- Comparing workable ethical theories
- Morality of breaking the law

2.1 Introduction

We Live in Communities

(London, England at night from space)



The Ethical Point of View

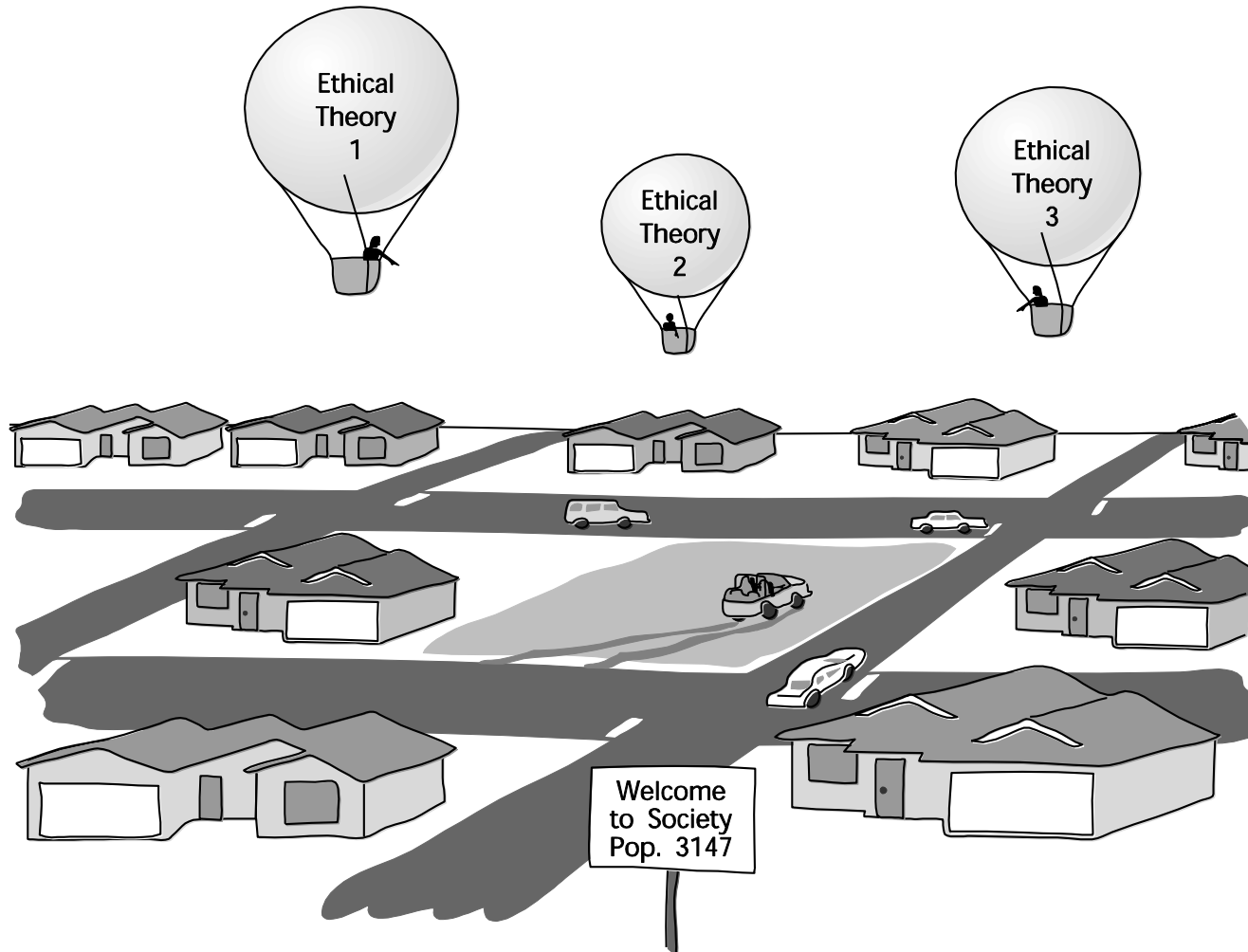
- Most everyone shares “core values”, desiring:
 - Life
 - Happiness
 - Ability to accomplish goals
- Two ways to view world
 - Selfish point of view: consider only your own self and your core values
 - Ethical point of view: respect other people and their core values

Defining Terms

- Society
 - Association of people organized under a system of rules
 - Rules: advance the good of members over time
- Morality
 - A society's rules of conduct
 - What people ought / ought not to do in various situations
- Ethics
 - Rational examination of morality
 - Evaluation of people's behavior

Analogy:

Difference between Morality and Ethics



Why Study Ethics?

- Ethics: a way to decide the best thing to do
- New problems accompany new technologies
- “Common wisdom” 共同的智慧/普遍的看法/公众意见 may not exist for novel situations 新情况 brought about by new technologies

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暗中 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 A's, and gets a full ride全額獎學金 scholarship to attend a prestigious university. 著名的大學

Scenario 1

- Did Alexis do anything wrong?
- Who benefited from Alexis's course of action?
- Who was hurt by Alexis's course of action?
- Did Alexis have an unfair advantage over her high school classmates?
- Would any of your answers change if it turns out Alexis did not win a college scholarship after all?
- Are there better ways Alexis could have achieved her objective?
- 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 antispam organization puts the addresses of these ISPs on its blacklist.

Many ISPs in the United States consult the blacklist 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.

Scenario 2

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

Scenario 3

In an attempt to deter speeders 遏制超速, 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.

2-14

Scenario 3

- Did the East Dakota State Police (EDSP) do anything wrong?
- Who benefited from the actions of the EDSP?
- Who was harmed by the actions of the EDSP?
- What other courses of action could the EDSP have taken to achieve its objectives?
- 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 software 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. 災難性的錯誤

Because of the fierce competition in the smartphone software industry, it is critical that your company be “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.

Scenario 4

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

More on Ethics

- Ethics: rational, systematic analysis
 - “Doing ethics” means explaining conclusions
 - Best explanations based on facts, shared values, logic
- Ethics focuses on people’s voluntary, moral choices 人們的自願，道德選擇
- **Workable ethical theory:** produces explanations that might be persuasive to a skeptical, yet open-minded audience 產生的解釋可能對懷疑但開放的觀眾有說服力

A Good Ethical Theory Supports Persuasive, Logical Arguments

有說服力的邏輯論證



2.2 Subjective Relativism

Relativism and Subjective Relativism

- Relativism
 - No universal standards of right and wrong
 - One person can say “X is right,” another can say “X is wrong,” and both can be correct
- Subjective relativism
 - Each person decides right and wrong for himself or herself
 - “What’s right for you may not be right for me”

Case for Subjective Relativism

- Well-meaning and intelligent people disagree on moral issues
- Ethical debates are disagreeable and pointless

Case Against Subjective Relativism

- Blurs line between doing what you think is right and doing what you want to do
- Makes no moral distinction between the actions of different people
- SR and tolerance are two different things
- Decisions may not be based on reason
- Conclusion: Not a workable ethical theory

2.3 Cultural Relativism 文化相对论

Cultural Relativism in a Nutshell總而言之

- What is “right” and “wrong” depends upon a society’s actual moral guidelines
- These guidelines vary from place to place and from time to time
- A particular action may be right in one society at one time and wrong in another society or at another time

Case for Cultural Relativism 文化相对论

- Different social contexts demand different moral guidelines
- It is arrogant for one society to judge another 一個社會判斷另一個社會是傲慢的

Case Against Cultural Relativism

- Because two societies **do** have different moral views doesn't mean they **ought to** have different views
- It doesn't explain how moral guidelines are determined
- What if there are no cultural norms? 文化規範
- It doesn't account for evolution of moral guidelines.
- It provides no way out for cultures in conflict
- Existence of many acceptable practices does not imply all practices are acceptable (many/any fallacy)
- Societies do, in fact, share certain core values
- Only indirectly based on reason
- Conclusion: Not a workable ethical theory

2.4 Divine Command Theory 神諭論

Overview of Divine Command Theory

- Good actions: those aligned with God's will 上帝的旨意
- Bad actions: those contrary to God's will
- Holy books reveal God's will 聖書揭示上帝的旨意
- We should use holy books as moral decision-making guides

Divine Command Theory in Action



Case for Divine Command Theory

- We owe obedience to our Creator 對我們的創造者的順從
- God is all-good and all-knowing
- God is the ultimate authority

Case Against Divine Command Theory

- Different holy books disagree on certain teachings
- Society is multicultural, secular世俗
- Some modern moral problems not directly addressed in scripture在經文中講述
- “The good” ≠ “God” (equivalence fallacy) 相等謬誤
- Based on obedience, not reason基於順從，沒有理由
- Conclusion: Not a workable ethical theory for our purposes

2.5 Ethical Egoism

Definition of Ethical Egoism道德利己主義

- Each person should focus exclusively on his or her self-interest
- Morally right action: that action that provides self with maximum long-term benefit
- Ayn Rand, author of *The Fountainhead* and *Atlas Shrugged*, espoused a theory akin to ethical egoism提出了一個類似於道德利己主義的理論

Case for Ethical Egoism

- It is practical since we are already inclined to do 倾向于做 what's best for ourselves
- It is better to let other people take care of themselves
- The community can benefit when individuals put their well-being first 福祉第一
- Other moral principles are rooted in the principle of self-interest

Case Against Ethical Egoism

- An easy moral philosophy may not be the best moral philosophy
- We know a lot about what is good for someone else
- Self-interest can lead to blatantly immoral behavior 公然不道德的行為
- Other moral principles are superior to principle of self-interest
- People who take the good of others into account lead happier lives
- By definition, does not respect the ethical point of view
- Conclusion: Not a workable ethical theory

2.6 Kantianism

Critical Importance of Good Will 善意

- Good will: the desire to do the right thing
- Immanuel Kant: Only thing in the world that is good without qualification is a good will
- Reason should cultivate desire to do right thing

Categorical Imperative 定然律令 (1st Formulation)

Act only from moral rules that you can at the same time will to be universal moral laws. 應該成為人人都做的行為(主張「好事」本身有其「必做性」)。

Categorical Imperative (2nd Formulation)

Act so that you treat both yourself and;
other people as ends in themselves 作為自己的目的 and;
never only as a means to an end. 一個達到目的的手段

行动时对待人性的方式是，不论是自己或任何一个他人，绝对不能当成只是手段，而永远要同时当成是目的。

人即目的公式：「待人之道，不管對你自己還是對別人，就是絕不可把人當做手段，永遠把人當做目的」

Illustration of 1st Formulation

- Question: Can a person in dire straits make a promise 可怕的困境做出承諾 with the intention of breaking it later?
- Proposed rule: “I may make promises with the intention of later breaking them.”
- The person in trouble wants his promise to be believed so he can get what he needs.
- Universalize rule 普及規則: Everyone may make & break promises
- Everyone breaking promises would make promises unbelievable, contradicting desire to have promise believed
- The rule is flawed. The answer to the question is “No.”

Another Way to Reason It Out 推理它的另一種方法

- Question: Can I make a promise with the intention of breaking it later?
- I want my false promise to be believed.
- In order for my false promise to be believable, I want everyone except myself to be truthful all the time.
- In other words, I want to privilege my needs and desires over those of everyone else.
- Contradiction between what I want to do and what I want others to do.
- Therefore, what I am considering doing is wrong.

A Quick Check

- When evaluating a proposed action, reverse roles 互換角色
- What would you think if that person did the same thing to you?
- Negative reaction → evidence that your will to do that action violates the Categorical Imperative 定然律令

Categorical Imperative (2nd Formulation)

Act so that you treat both yourself and;
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This is usually an easier formulation to work
with than the first formulation of the
Categorical Imperative. 定然律令/定言令式

Kant: Wrong to Use Another Person Solely as a Means to an End

任何人都不應視為或用為達到別人目的的手段，每個人只能就是獨特的目的本身。



Plagiarism 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? 道德上正當的

Plagiarism Scenario

- Carla
 - Single mother
 - Works full time
 - Takes two evening courses/semester
- History class
 - Requires more work than normal
 - Carla earning an “A” on all work so far
 - Carla doesn’t have time to write final report
- Carla purchases report; submits it as her own work

Kantian Evaluation (1st Formulation)

- Carla wants credit for plagiarized report
- Rule: “You may claim credit for work performed by someone else”
- If rule universalized, reports would no longer be credible indicator’s of student’s knowledge, and professors would not give credit for reports
- Proposal moral rule is self-defeating
- It is wrong for Carla to turn in a purchased report

Kantian Evaluation (2nd Formulation)

- Carla submitted another person’s work as her own
- She attempted to deceive professor
- She treated professor as a means to an end
 - End: passing the course
 - Means: manipulate professor
- What Carla did was wrong

Case for Kantianism

- Treats all persons as moral equals
- Gives all people moral worth as rational, autonomous beings 理性的，自主的存在
- Holds everyone to the same standard 讓每個人都遵守相同的標準
- Produces universal moral guidelines 普世的道德準則

Case Against Kantianism

- Sometimes no rule adequately characterizes an action 充分表徵的作用
- Sometimes there is no way to resolve a conflict between rules
 - In a conflict between a perfect duty and an imperfect duty, perfect duty prevails 健全的職責佔上風
 - In a conflict between two perfect duties, no solution
- Kantianism allows no exceptions to perfect duties 沒有例外健全職責
- Conclusion: Despite weaknesses, a workable ethical theory

Perfect and Imperfect Duties

健全不健全的職責

- Perfect duty: duty obliged to fulfill without exception
 - Example: Telling the truth
- Imperfect duty: duty obliged to fulfill in general but not in every instance
 - Example: Helping others

2.7 Act Utilitarianism

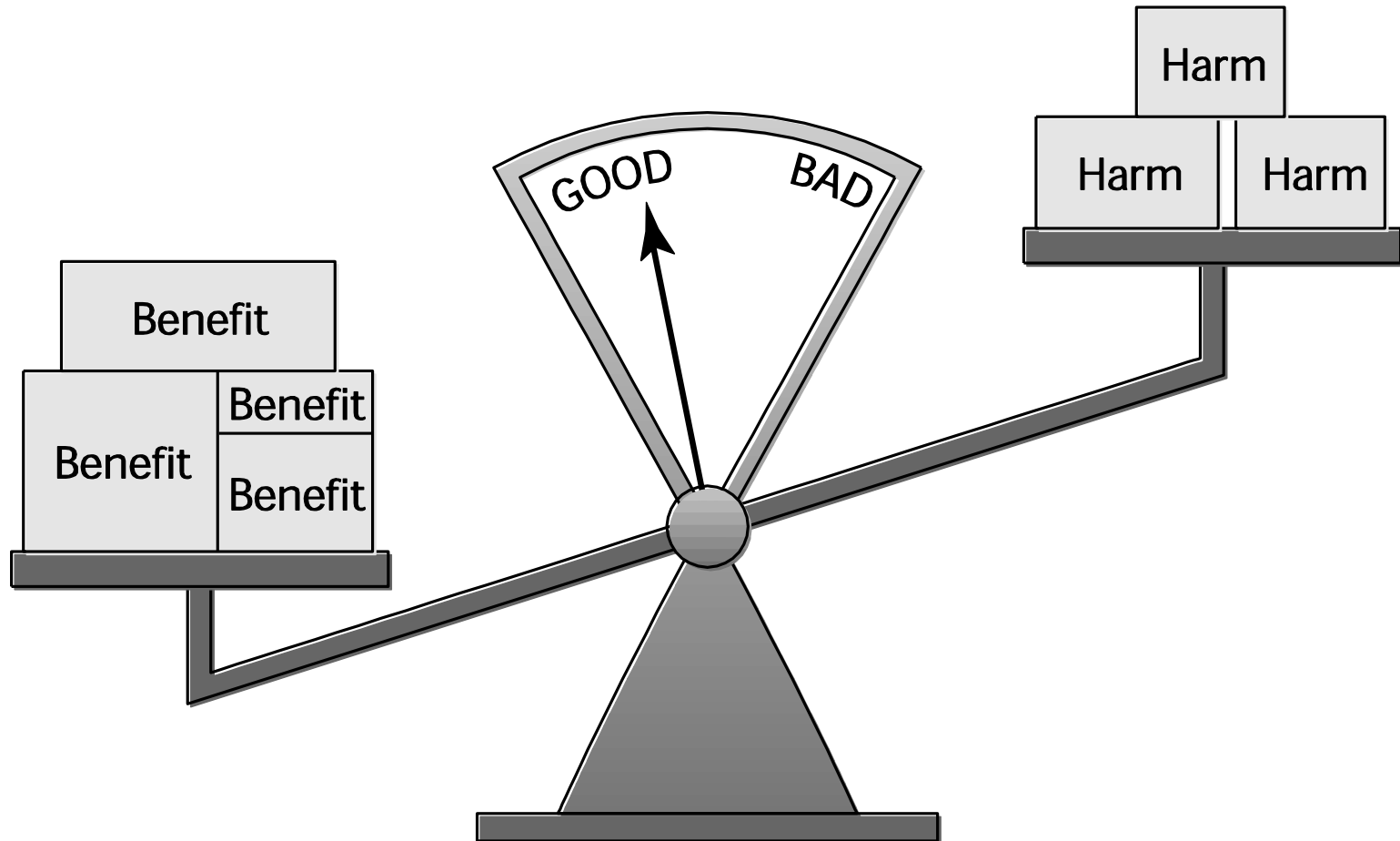
Principle of Utility 功利原則

- Jeremy Bentham and John Stuart Mill
- An action is good if its benefits exceeds its harms
- An action is bad if its harms exceed its benefits
- Utility: tendency of an object to produce happiness or prevent unhappiness for an individual or a community
- Happiness = advantage = benefit = good = pleasure
- Unhappiness = disadvantage = cost = evil = pain

Principle of Utility (Greatest Happiness Principle) 功利原則

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

Principle of Utility



Act Utilitarianism

- Utilitarianism
 - Morality of an action has nothing to do with **intent**
 - Focuses on the **consequences**
 - A **consequentialist** theory
- Act utilitarianism
 - Add up change in happiness of all affected beings
 - $\text{Sum} > 0$, action is good
 - $\text{Sum} < 0$, action is bad
 - Right action to take: one that maximizes the sum

情境功利主義，或**行為功利主義**是功利主義的一支，跟其他功利主義派別的不同在於：情境功利主義強調的是「**在此時此刻這個情境下，該怎麼做才能促進全體快樂值。**」而不是問若將此道德律推廣到每個人身上會對全體快樂值造成什麼影響。

Bentham: Weighing Pleasure/Pain

痛苦快樂計算痛苦

功利主義包括兩個原理：一是功利原理或最大幸福原理，二是自利選擇原理

- **Intensity**強度:快樂感受的大小
- **Duration**持續時間:快樂感受的持久性
- **Certainty**肯定:確定與否，快樂來源的明確性與否
- **Propinquity**接近:遠近propinquity of remoteness快樂的即時性與否
- **Fecundity**衍生性:是否衍生新的快樂
- **Purity**純粹性:單純性與否，不涉及其他因素
- **Extent**延伸性:extension快樂的感受層面等

Highway Routing 高速公路路線 Scenario

A state is considering replacing a curvy stretch of highway that passes along the outskirts 郊外 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 註釋/評論

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 would be angry about being forced out of their houses, even if they were 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.

Highway Routing Scenario

- State may replace a curvy stretch of highway
- New highway segment 1 mile shorter
- 150 houses would have to be removed
- Some wildlife habitat would be destroyed

Evaluation

- Costs
 - \$20 million to compensate homeowners
 - \$10 million to construct new highway
 - Lost wildlife habitat worth \$1 million
- Benefits
 - \$39 million savings in automobile driving costs
- Conclusion
 - Benefits exceed costs
 - Building highway a good action

Case for Act Utilitarianism

- Focuses on happiness
- Down-to-earth (practical)
- Comprehensive

Case Against Act Utilitarianism

- Unclear whom to include in calculations and how far out into the future to consider
- Too much work
- Ignores our innate sense of duty
- We cannot predict consequences with certainty
- Susceptible to the problem of moral luck
- Conclusion: Overall, a workable ethical theory

2.8 Rule Utilitarianism

Applying Principle of Utility to Rules

- We ought to adopt moral rules which, if followed by everyone, will lead to the greatest increase in total happiness
- Act utilitarianism applies Principle of Utility to **individual actions**
- Rule utilitarianism applies Principle of Utility to **moral rules**

規則功利主義是功利主義的一支，其學說認為，若每個人都永遠遵守同一套道德規範，就能產生最大快樂值。常見的應用可見於交通規則，不能像情境功利主義那樣，視哪種方法能取得最大快樂值而決定該往左開還是往右開，而是根據既定的規範。若大家都能遵守交通規則，那麼交通就能安全便利（最大快樂值）。

但需要注意这个规则制定时的合理性。也有批评学者认为实际是变化的，这种规则若不能紧跟变化会最终走向不合理。（例如汽車佔用機車停等區）

Anti-Worm 抗蠕蟲 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 the following: “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 [20]. The universal adoption of the moral rule would reduce the usefulness of the Internet while the various “helpful” worms were circulating.

Analysis (Continue...)

Another negative consequence would be potential harm done to computers by the supposedly helpful worms. Even worms designed to be benevolent仁慈 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戰鬥 every new worm that attacks their computers. If the proposed moral rule were adopted被采用的, more worms would be released, forcing system administrators to spend more of their time fighting worms.

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.

Anti-Worm 抗蠕蟲 Scenario

- Proposed rule: If I can write a helpful worm that removes a harmful worm from infected computers and shields them from future attacks, I should do so
- Who would benefit
 - People who do not keep their systems updated
- Who would be harmed
 - People who use networks
 - People who's computers are invaded by buggy anti-worms
 - System administrators
- Conclusion: Harm outweighs benefits. Releasing anti-worm is wrong.

Evaluation using Rule Utilitarianism

- August 2003: Blaster worm infected thousands of Windows computers
- Soon after, Nachi worm appeared
 - Took control of vulnerable computer
 - Located and destroyed copies of Blaster
 - Downloaded software patch to fix security problem
 - Used computer as launching pad to try to “infect” other vulnerable PCs

Case for Rule Utilitarianism

- Not every moral decision requires performing utilitarian calculus
- Moral rules survive exceptional situations
- Avoids the problem of moral luck 道德运(好彩) 因为人在做选择的时候，除了主观意志，其它大大小小环境因素的影响也实在太多太多。
- Reduces the problem of bias
- Appeals to a wide cross-section of society

Case Against Utilitarianism in General 總的來說

- All consequences must be measured on a single scale.
 - All units must be the same in order to do the sum
 - In certain circumstances utilitarians must quantify the value of a human life
- Utilitarianism ignores the problem of an unjust distribution of good consequences.
 - Utilitarianism does **not** mean “the greatest good of the greatest number”
 - That requires a principle of justice
 - What happens when a conflict arises between the Principle of Utility and a principle of justice?
- Conclusion: Despite weaknesses, both act utilitarianism and rule utilitarianism are workable ethical theories

2.9 Social Contract Theory

Basis of Social Contract Theory

- Thomas Hobbes
 - In a “state of nature” our lives would be “solitary, poore, nasty, brutish, and short” 孤獨，很差/沉重，討厭，野蠻和短暫
 - We ***implicitly*** accept 含蓄地接受 a social contract
 - Establishment of moral rules to govern relations among citizens
 - Government capable of enforcing these rules 執行這些規則
- Jean-Jacques Rousseau
 - In ideal society, no one above rules
 - That prevents society from enacting bad rules 頒布不良規則

James Rachels's Definition

“Morality consists in the **set of rules**, governing how people are to treat one another, that rational people 理性的人 will agree to accept, for their mutual benefit, on the condition that others follow those rules as well.”

道德是一套管理人们如何相互对待的规则，
理性的人们会同意接受他们的互利，
条件是别人遵守这些规则

Kinds of Rights 權利的種類

- Negative right: A right that another can guarantee by leaving you alone (Inaction)
- Positive right: A right obligating others 強制他人 to do something on your behalf 以您的名義 (Action)
- Absolute right: A right guaranteed without exception 保證無一例外
- Limited right: A right that may be restricted based on the 根據情況限制 circumstances

Correlation between Types of Rights

- Positive rights 积极权利 (如债权) tend to be more limited
- Negative rights 消極性的權利 (如所有权) tends to be more absolute

John Rawls's Principles of Justice公道

- Each person may claim a “fully adequate” number of basic rights and liberties, so long as these claims are consistent with everyone else having a claim to the **same rights** and **liberties**
- Any social and economic **inequalities** must
 - Be associated with positions that everyone has a **fair** and **equal** opportunity to achieve
 - Be to the **greatest benefit** of the **least-advantaged** members of society (the difference principle) 最劣勢的成員受益最大

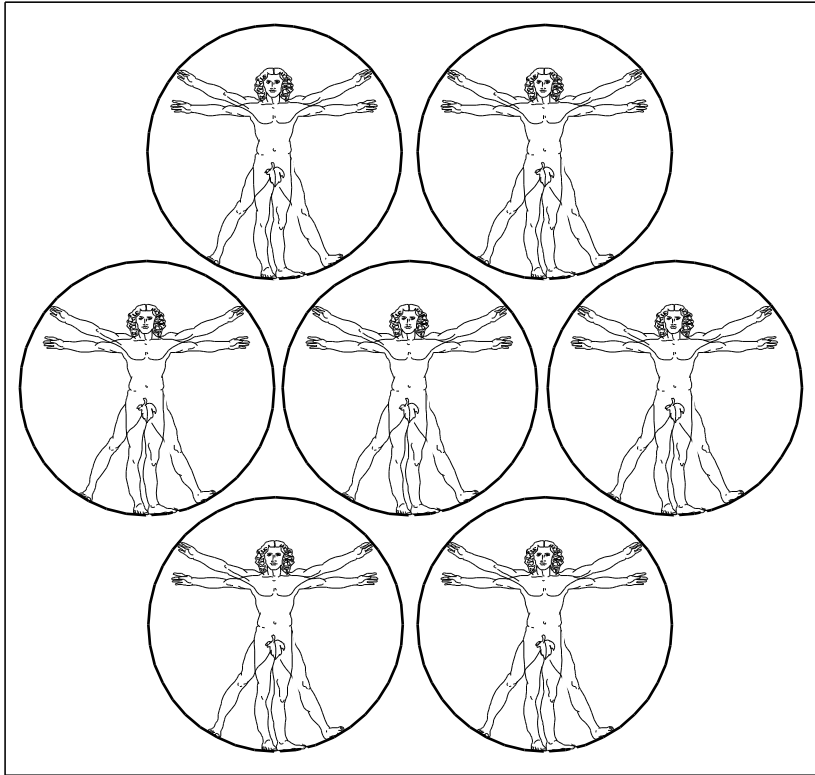
正義二原則：

第一原則（自由原則）每個人都應該有平等的權利，去享有最廣泛的基本自由權；而其所享有的基本自由權與其他每個人所享有的同類自由權相容。

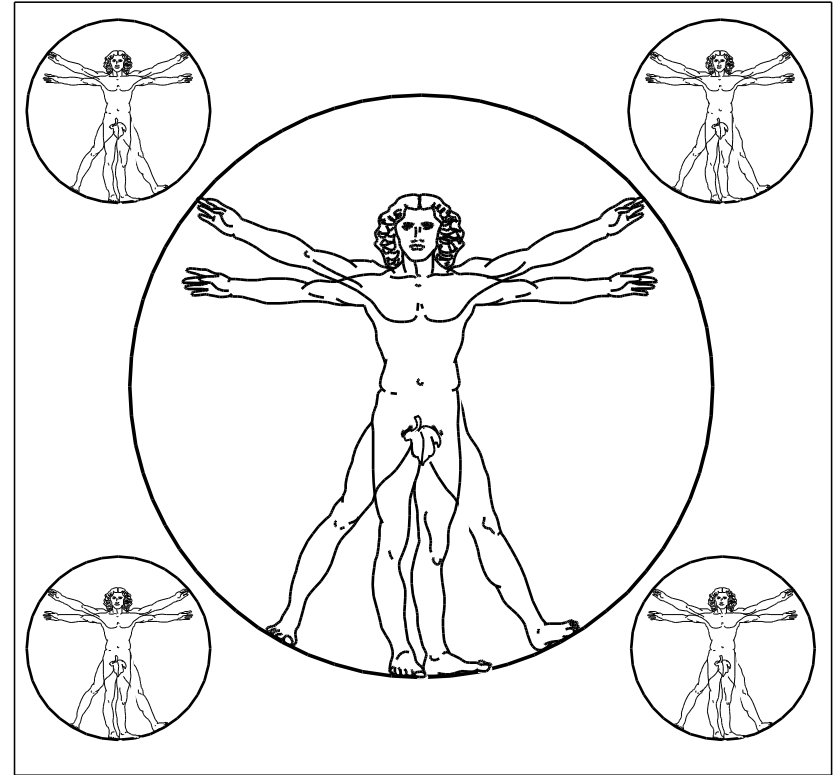
第二原則（平等原則）應該調整社會和經濟的不平等，使得：

社會中處於最劣勢的成員受益最大，並與公平救濟原則（just savings principle）相容。（差別原則）各項職位及地位必須在公平的機會平等下，對所有人開放。（機會均等原則）

Rawls's First Principle of Justice

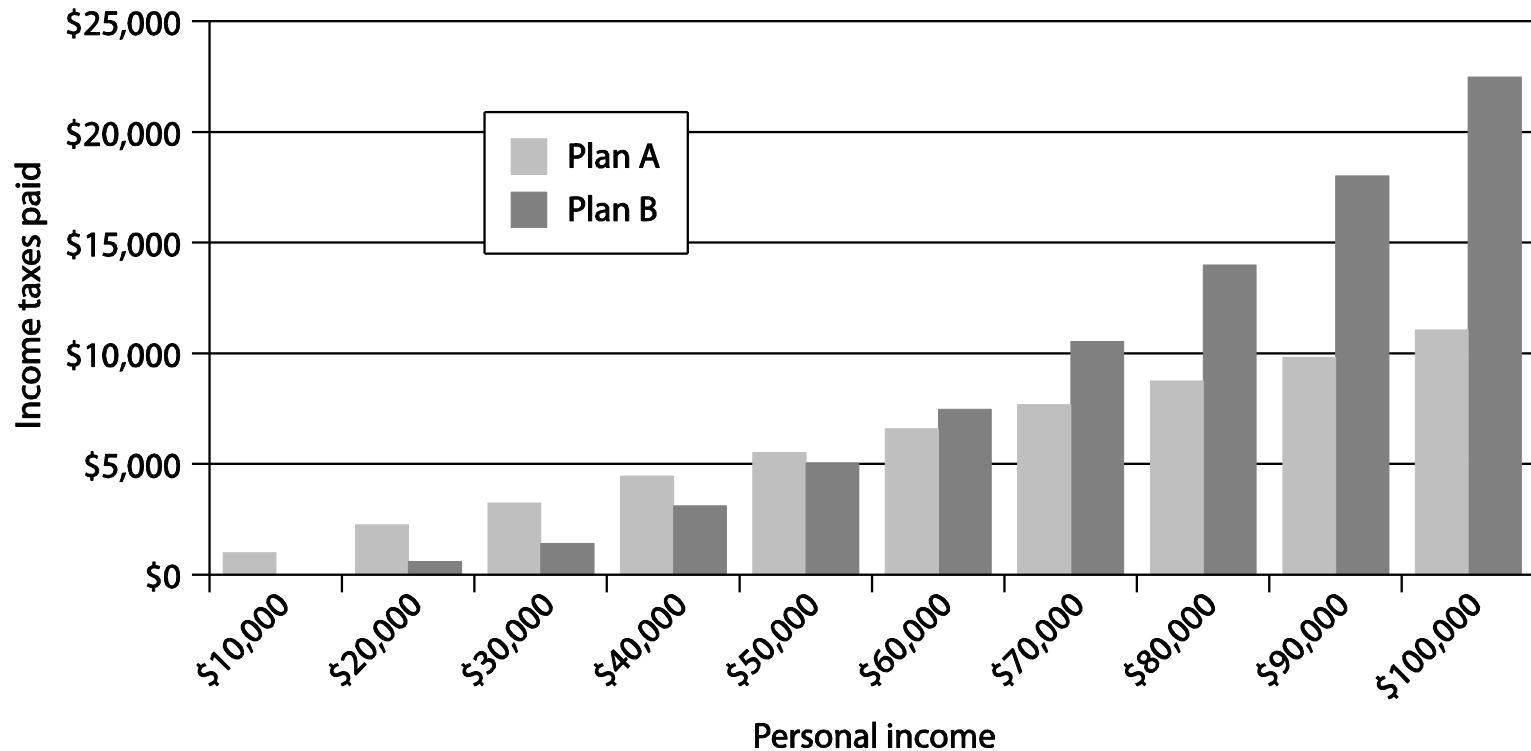


Just
公平



Unjust
不公平

Rawls's Difference Principle



DVD Rental 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.

DVD Rental Scenario

- Bill owns chain of DVD rental stores
- Collects information about rentals from customers
- Constructs profiles of customers
- Sells profiles to direct marketing firms
- Some customers happy to receive more mail order catalogs; others unhappy at increase in “junk mail”

Evaluation (Social Contract Theory)

- Consider rights of Bill, customers, and mail order companies.
- Does customer have right to expect name, address to be kept confidential?
- If customer rents DVD from bill, who owns information about transaction?
- If Bill and customer have equal rights to information, Bill did nothing wrong to sell information.
- If customers have right to expect name and address or transaction to be confidential without giving permission, then Bill was wrong to sell information without asking for permission.

Case for Social Contract Theory

- Framed in language of rights
- Explains why people act in self-interest in absence of common agreement
 - Tragedy of the commons公地悲劇: 涉及個人利益與公共利益對資源分配有所衝突的社會陷阱(那由最大人數所共享的事物, 卻只得到最少的照顧) 公共草地上, 有一群牧羊人, 每一個牧羊人都想要多獲利一些, 所以某個牧羊人就帶了大量的羊來放牧, 雖然他知道過度放牧, 草地可能會承受不住。但他依然獲利了, 而後所有的牧羊人都跟進, 所以草地牧草耗竭, 悲劇因而發生了。
- Provides clear analysis of certain citizen/government problems
 - Why okay for government to deprive criminals of certain rights剝奪罪犯的某些權利
 - Why civil obedience公民服從can be morally right action道德上正確的行動

Case Against反對的情況下 Social Contract Theory

- No one signed social contract
- Some actions have multiple characterizations多種性質
- Conflicting rights problem
- May unjustly treat people incapable of upholding contract
- Conclusion: Despite weaknesses, a workable theory

2.10 Virtue Ethics美德倫理

Critique批判 of Enlightenment Theories啟蒙理論

- Kantianism, utilitarianism, social contract theory ignore important moral considerations
 - moral education
 - moral wisdom道德智慧
 - family and social relationships
 - role of emotions情緒的作用
- Virtue ethics
 - arete*各方皆優、追求卓越, virtue, excellence美德, 卓越: reaching highest potential
 - Aristotle's *Nicomachean Ethics* (4th century BC) 亞里斯多德完整的倫理學著作

Virtues and Vices 美德與罪惡

- Two types of virtue
 - intellectual virtues: virtues associated with reasoning and truth
 - moral virtues: virtues of character (e.g., honesty)
- Moral virtues
 - developed by habitually 習慣性地 performing right action
 - deep-seated character traits 深層次的性格特徵
 - disposition to act in a certain way *and* feel in a certain way 傾向於以某種方式行事並以某種方式感受

Aristotle: Happiness derives from living a life of virtue.

幸福源於生活美德的生活



Summary of Virtue Ethics 德行倫理學

A right action is an action that a virtuous person, acting in character, would do in the same circumstances.

A virtuous person is a person who possesses and lives out the virtues.

The virtues are those character traits human beings need in order to flourish and be truly happy. 蓬勃發展，真正開心。

life 人生/生命/生活

Vices 惡習/罪惡

- Vices are opposite of virtues 道德
- Vice: a character trait 性格特徵 that prevents a human being from flourishing or being truly happy 蓬勃發展或真正開心
- Often, a virtue situated between two vices 美德位於兩個惡習之間
 - Courage between cowardliness and rashness 膽怯與魯莽之間的勇氣
 - Generosity between stinginess and prodigality 吝嗇與揮霍之間的慷慨

Case for Virtue Ethics

- It often makes more sense to focus on virtues than obligations, rights, or consequences
- Personal relationships can be morally relevant to decision making
- Theory recognizes our moral decision-making skills develop over time
- With this theory there are no irresolvable moral dilemmas 沒有無法解決的道德困境
- Emotions play an important role in living a moral life

Case Against 反對的情況下 Virtue Ethics 美德倫理

- Reasonable people may disagree on character traits needed for human flourishing
- Cannot use virtue ethics to guide government policy
- Virtue ethics undermines attempts to hold people responsible for their bad actions
- Conclusion: Despite weaknesses, virtue ethics a workable theory

2.11 Comparing Workable Ethical Theories

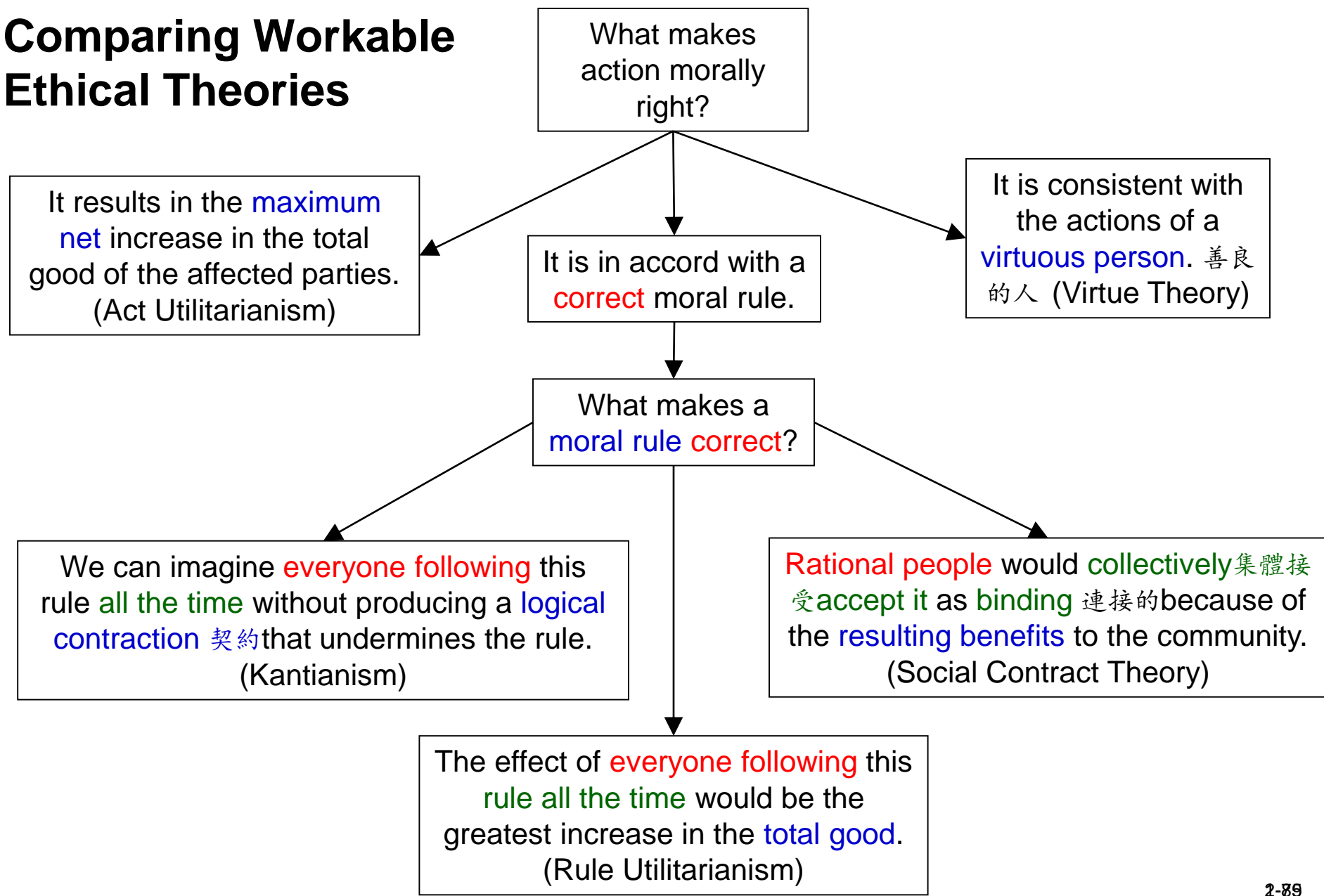
Ethical Objectivism vs. Relativism

- Ethical objectivism: Morality has an existence outside the human mind
- Relativism: Morality is a human invention人類發明
- Divine command theory, ethical egoism, Kantianism, utilitarianism, social contract theory, and virtue ethics examples of ethical objectivism

Workable Ethical Theories

- We seek theories with these characteristics:
 - Based on the ethical point of view
 - Objective moral principles developed using **logical reasoning** based on facts and commonly held values
- Workable ethical theories
 - Kantianism
 - Act and rule utilitarianism
 - Social contract theory
 - Virtue ethics

Comparing Workable Ethical Theories



2.12 Morality of Breaking the Law

Social Contract Theory Perspective

- Everyone in society bears certain burdens in order to receive certain benefits
- Legal system supposed to guarantee people's rights are protected
- Everything else being equal, we should be law-abiding 安分守法
- Should only break law if compelled to follow a higher-order moral obligation 遵循更高層次的道德責任



Social Contract: A Prima Facie Obligation to Obey the Law

初步法律義務遵守法律

Kantian Perspective 視角

- Everyone wants to be treated justly 公正對待
- Imagine rule: “I may break a law I believe to be unjust” 不公正
- If everyone acted according to this rule 慣例, then laws would be subverted 推翻
- Contradiction 抵觸: Cannot both wish to be treated justly and allow laws to be subverted 推翻

Rule Utilitarian 慣例功利主義者觀點視角 Perspective

- What would be consequences of people ignoring laws they felt to be unjust? 不公正
- Beneficial consequence 有利後果: Happiness of people who are doing what they please
- Harmful consequences 不利後果: Harm to people directly affected by lawless actions, general loss of respect for laws, increased burden on criminal justice system
- Harms greater than benefits

Act Utilitarian 條例功利主義者 Perspective 觀點視角

- Possible to conceive of situations where benefits of breaking law exceed harms
- Suppose give penniless 不名一文, bedridden friend 臥床不起的朋友 copy of CD
- Friend benefits by \$15 (value of CD)
- I benefit by \$10 (satisfaction of helping friend)
- Harms of \$0 (no lost sale, no police involvement)
- With \$25 of benefit and \$0 of harm, action is determined to be good

Summary

Insights Offered by Various Theories 各種理論提供的見解

- **Kantianism:** 康德主義 Every person is equally valuable, and when you interact with other people you should always respect them as rational beings. It is wrong to privilege your needs and desires over those of other people.
- **Utilitarianism:** 功利主義 You should consider the consequences of an action before deciding whether it's right or wrong.
- **Social contract theory:** 社會契約理論 We should collectively promote human rights, such as the rights to life, liberty, and property.
- **Virtue ethics:** 美德倫理 You can count on a good person to do the right thing at the right time in the right way.

It's Up to You

- You *can* consider duties *and* rights *and* consequences *and* virtues 職責, 權利和後果以及美德 when making moral decisions
- Ultimately 歸根結底, you have to decide:
 - What kind of person do I want to be?
 - What kind of world do I want to live in?