

NOTES TO ALL ETHICAL THEORIES

RIGHTS.....	1
NEGATIVE AND POSITIVE RIGHTS.....	5
PRIMA FACIE RIGHTS.....	9
RIGHTS (ARGUMENT Section of OUTLINE).....	14
UTILITARIANISM.....	15
UTILITARIAN (ARGUMENT section of OUTLINE).....	23
KANTIAN ETHICS.....	23
KANTIAN CATEGORICAL IMPERATIVE.....	24
OUTLINE FOR KANTIAN ARGUMENTS.....	28
JUSTICE.....	29
7 JUSTICE CRITERIA.....	32
OUTLINE FOR JUSTICE ARGUMENT.....	33
JOHN RAWLS.....	34
OUTLINE FOR RAWLS ARGUMENT.....	37
VIRTUE ETHICS.....	37
SOME VIRTUES.....	38
ARISTOTLE.....	39
SOME VICES.....	39
OUTLINE FOR VIRTUES ARGUMENT.....	40
TIPS:.....	41
CARING ETHICS.....	42
WEAK CARING.....	42
STRONG CARING.....	43
ARGUMENT OUTLINE FOR CARING THEORY.....	45

RIGHTS

RIGHTS are a justified claim to a certain kind of treatment from others, to help from others or to be left alone by others.

We begin our understanding of ethical theories by first looking at RIGHTS THEORY.

Today, we so clearly believe in rights that we seek no justification. we just have rights. Rights theory maintains that rights are important in themselves. The results that arise if rights are violated are not relevant. Consequences of violating rights of others are not relevant. We understand that rights can be beneficial to us, but those benefits are not the point. Even if you get no benefit, you still have the right. Thus, rights are important in themselves and not because of some factors or ethics outside of rights theory.

But our ethics of rights had to be formulated first. Rights theory had to begin somewhere. Early rights theory was written as philosophers sought political and legal rights for everyone. Philosophers such as Hobbes and Locke proposed that we find in the **natural state of man**, some conditions or traits that can be used to justify rights in the ethical sense. With that ethical justification, it would be possible to argue for legal rights for everyone.

So, to begin, we look at Hobbes and Locke who tried to imagine what human beings would be like in a **state of nature**, before governments and civilization, and we note how this early philosophy guided rights theory embodied in American thinking. We then look at more recent views on rights.

Thomas Hobbes (1588-1679)

One of the earliest thinkers to discuss rights. Hobbes was a political philosopher. He was mostly concerned with governments and the relationship of governments to society. Being a political philosopher was most relevant at his time because Europe was then only beginning to realize that monarchy was not the only form of government, and Hobbes had a great hand in bringing about this realization. Under the monarchial system that prevailed in Europe, kings were presumed to have ethical divine rights, rights given to kings by God. The concept of ordinary people having individual rights was strongly advocated by Hobbes.

In Leviathan, published in 1651, Hobbes maintained that

Man in a state of nature has the right to do what is necessary to protect himself and to get what he can get however he can get it, everyman for himself.

Imagine a primitive man living on a tropical island with fellow island natives. Every day is a fight for existence, to get just a decent coconut for supper. In this state of nature the strongest or the most devious gets the coconuts. But this is not a desirable life for most, so men give up their natural right to those [governments.] who contract [promise] to bring peace and protection.

DO NOT USE OR QUOTE HOBBS ON CASE STUDIES. Students read Hobbes and misunderstand. Hobbes is saying that once upon a time in the days of cavemen, before civilization, it was every man for himself. But we do **not** live in a state of nature. We are **not** cavemen. We live in civilized society, we have given up this “everyman for himself” rights scenario as soon as we are born in

society. "Everyman for himself" only applies to a world with complete disorder. State of nature applies to primitive humans, maybe even before cavemen.

John Locke (1632-1704)

Locke disagreed with Hobbes about the conditions of primitive humans. Locke maintained that there was never such a state of nature where every man is for himself alone. Instead, Locke emphasizes that humans are social animals. The most primitive man is part of a cooperating society. Such cooperation is how humans as animals survived in nature. Quoting Locke in his 1690 Second Treatise of Civil Government :

In a natural state all were equal and independent, and none had a right to harm another in his life, health, liberty, or possessions.

Notice how this view is opposed to the Hobbesian state of nature. Also, for Locke, Government does not over-ride society or individual rights, government must be accountable.

One of the most important elements of Lockean rights is his view on property and labor. Locke maintained:

When we mix our labor with the natural world, we blend part of ourselves with that labor. That is how we come to own property, ethically. So, labor accounts for most of the property value of an object, but these rights are limited by our ability to consume & our ability to produce goods--to prevent goods from being spoiled, or wasted. If we can labor to own more than we can use, then we no longer have a right to that property. We cannot just let what we have go to waste while other people do without because they cannot produce. But goods of greater durability can be exchanged for those that spoil. Money is durable, so we can exchange money for spoilable goods.

But once we begin to work earnestly and ethically accumulate more of these valuable durable goods (money) than our neighbors, then we must have some means of protecting these surplus durable goods so that others won't take them. Government arises as a means to protect the durable goods that you have exchanged for the fruits of your labor. In other words, once money comes into use, government becomes necessary to protect property. Before money and other such valuable durable goods (jewels, precious art, etc.) man kept what he could use and no more. Because government arises to protect property of governed, then:

Property precedes government and government cannot dispose of the estates of the subjects arbitrarily.

UNITED STATES DECLARATION OF INDEPENDENCE

In 1776, we find a formulation of rights borrowed from philosophers such as Hobbes and Locke, in our own Declaration Of Independence. This document specifies:

INALIENABLE RIGHTS to life, liberty and pursuit of happiness.

Inalienable rights are rights that cannot be taken away or ignored. They are rights you cannot give up. Inalienable rights are a cornerstone of Lockean rights and prove very important to rights today.

Be aware, rights specified in the U.S. Constitution are **legal** rights. These rights were originally formulated on the basis of **ethical rights**. You cannot use legal rights to justify ethical rights. Instead, ethical rights are used to justify legal rights. Using our constitutional rights to justify ethical rights is an unethical perspective. If you want to say we should have a right because it is written in our U.S. constitution, this is like saying that people outside of the U.S. do not get or should not also get those rights. Indeed our constitution is irrelevant. When discussing rights be careful not to confuse ethical rights with legal rights. A legal right is **not** an ethical right. Ethical rights are the reasons for legal rights. Legal rights are not reasons for ethical judgments about rights.

Human Rights

Human rights are the rights internationally recognized by the United Nations. According to the United Nations Human Rights Committee, all human beings have some basic moral rights, some of which are:

- right not to be killed
- the right not to be harmed
- the right to liberty (freedom of movement and benign action.)

In this course, we will **not** use this language of human rights. Instead, rights are human rights, unless you look at animal rights. Animal rights rarely come up in relation to computers, so we just will refer to rights.

NEGATIVE AND POSITIVE RIGHTS

In contemporary ethics of rights, a distinction is made between negative and positive rights.

NEGATIVE RIGHTS

Negative rights are rights to not be interfered with. Negative here refers to being left alone, taking no action against us. Negative rights are rights to do what we want or what we need to do, and nobody should stop us in doing what we need to do as long as we do not interfere with the negative rights of others. These are our freedom rights, such as:

1. right to practice religion we choose
2. right to move about from place to place
3. right to protect ourselves from danger
4. right to privacy
5. right to free speech
6. right to make our own sexual choices
7. right to seek work to provide for ourselves and our dependents.
8. right to seek information
9. right to buy, sell, trade
10. right to offer services

POSITIVE RIGHTS

Positive rights are rights to help from others (almost always the government) so that we can reasonably survive, such as:

- right to food, clothing, and shelter
- right to safety
- right to medical treatment
- right to information

It is important to recognize that these positive rights do not supersede our negative rights. Government does not automatically provide us with food or clothing. These are provided when we cannot get them for ourselves. Positive here refers to getting something added to our lives, something that we cannot add for ourselves for whatever reasons. In a perfect world, we would all be able

to always get the things we need for ourselves. In a perfect world, we would only have negative rights. But things happen that require government to step in and provide for us, thus our positive rights arise. After a hurricane, flood, wildfire, earthquake or tornado, people lose their homes and most of their property. They are given temporary shelter, food, etc until they can recover from the disaster and build their lives again. A change of clothes, a place to bathe: we desperately need these in times of disaster and at those times government should provide them for us. This is our positive right. Clothing is one of the few durable goods that are usually considered our personal property yet serve also as a positive right. Government lets us keep clothes they give us because they just don't want it back. But they could indeed ethically ask us to give it back.

Property is not a positive right.

For example, in the USA victims of natural disasters are given FEMA trailers to live in when their homes are destroyed. The FEMA trailers provide shelter. The government supplied shelter because this is a basic positive right. But once homes are rebuilt, they have to call FEMA to pick up the trailers because the government did not give them property, just shelter. We do not have a positive right to own a home. Property rights are negative rights or privileges. Property rights are not positive rights. We have the negative right to get shelter, and have that shelter be as permanent as we can get. This would be a kind of negative right to try to get property. But actually getting property is a privilege of your circumstance of being able to manage to get property without violating rights of anyone else. Simply put, government does not owe you a home to keep. Property is something we want, but we do not necessarily need to own to survive.

For Locke, property is an important negative right. But by this he means, if you work to get property, nobody should just decide to take it away from you, not if you are **innocent** in how you got that property. In other words, if you got property by doing actions that did not violate rights of others, then nobody should be able to just take your property.

Ethically speaking, we do not have the right to make a profit.

Profit is a privilege, not a right. We do **not** have a negative right to not be interfered with so that we can make a profit. We do **not** have a positive right to help from the government so that we can make a profit. We have the negative right to buy and sell, and, ethically speaking we might go as far as saying we have the negative right to break even, but not to maximize profit.

In most countries, people have the **legal** right to keep profit. But when discussing rights be careful not to confuse ethical rights with legal rights. A legal

right is not an ethical right. But **just because we have no right to make a profit, does not mean if we seek profit we are losing rights.**

Many of the things we need to do to make profit are well within our ethical rights. In almost all circumstances we have the right to offer goods for sale, to price those goods, etc. There is nothing inherently unethical about profit. Profit is just like a Christmas Bonus. You get that bonus in part if you merit it, but also in part if you are lucky. You do not have a moral right to a bonus. But that does not mean there is anything wrong with getting a bonus, it just means it is not much relevant to ethics of rights. **Please, just do not mention profit when doing rights analyses. Profit is not relevant to rights.** Do not say that we have no right to make a profit. This is not relevant. Profit is a motivation for buying and selling and offering services. You have a right to buy, sell, and offer services as long as when you do, you do not violate rights of others. Your motivation for doing business is not relevant.

IMPORTANT: MORE ON DISTINCTION BETWEEN NEGATIVE RIGHTS & POSITIVE RIGHTS

So we understand that negative rights are rights to do what we want or what we need to do. These are fairly clear. The right to privacy, right to free speech, right to protect ourselves, right to make our own sexual choices, right to work to provide food clothing & shelter for ourselves and our dependents.

Then how do we distinguish these negative rights from positive rights? When our negative rights are very important, they may need assistance from governments. This was the point of the social contract theories of Hobbes & Locke. Governments help us by providing our rights when we cannot or they help us by making it easier for all of us to see our rights are met. Any positive right also has a negative right that mirrors it. The difference between negative and positive rights is that for the positive rights governments help us.

EXAMPLE: We have the right to information.

This means that we have the negative right to seek information we need, and nobody should interfere with our attempts to gather correct information. But as we all know, there are many people who try to distort the facts, and try to make it very difficult for us to get correct information. Right to information is such an important right that it often is a positive right too. This means that it is the duty of government to provide correct information to citizens, and to punish those who gravely violate our right to correct information. Notice that this right can conflict with our right to free speech.

Is it okay for people to lie and distort the truth? Do we violate their right to free speech when we punish them? These are important considerations.

RIGHTS ENTAIL DUTIES.

Usually philosophers explain the link between rights and duties in a reciprocating sense. If you have the right to free speech then you have the DUTY to reciprocate that right to other people and let them speak freely to you.

But the relationship between rights and duties is actually more basic than reciprocation. The best way to see this is to look at rights as a natural gift, and gifts should not be treated like they are nothing. We have all of us gone through the processes of getting gifts of Freedom and understand it in this basic sense. We all grew up. As a child you had most of the positive rights: rights to food, clothing, shelter, freedom from harm. But your negative rights were almost nil. You did not have the right to freedom of movement. Everywhere you went you had to have adult supervision. You had no rights to have sex or speak your mind freely. Your positive right to information was also greatly curtailed. There were just some things your parents did not want you to know about. But along with being a virtual prisoner of your parents and teachers, you had very few duties (responsibilities). Lack of responsibility is the special gift of childhood. As you grew up, you were given rights: right to drink beer, right to have sex, etc. But along with these rights came the responsibilities. You can drink now, but should be responsible enough to handle that alcohol. You can have sex, but must be responsible for having safe sex or have to deal with all the consequences of unsafe sex. **RIGHTS BRING DUTIES.**

Positive Rights of Children

Children are very limited in their negative rights. They are so limited because they are not yet able to reasonably and freely choose in many areas of consent. Children do not have the negative right to all information. They do not have most negative rights of sexual freedom. BUT, children have the most positive rights of all humans. It is our duty to protect children, to keep them safe from sexual coercion, to provide them with health care, education, a safe home, etc. It is not only government that has a duty to provide children with positive rights, it is a duty of parents, relatives, teachers, and all of us.

Robert Nozick (1938-2002)—Twentieth Century Rights

Robert Nozick is an extreme libertarian. Extreme libertarians hold that no one has positive rights. **We only have the basic negative right to freedom from coercion** which is the right not to be forced to do things against our will. Only time we can rightfully be forced to do something against our will is when we are forced to stop coercing others.

But this extreme libertarianism fails to see that, given so much freedom for everyone, then Hobbes state of nature would seem to follow--one person exercising freedom often restricts freedom of someone else. Such conflict of rights are discussed in terms of *prima facie rights*.

PRIMA FACIE RIGHTS

In legal discourse, rights are distinguished in terms of overriding rights and Prima Facie Rights. Some rights contradict, given certain circumstances, and when this arises, some rights become secondary and are then obviated (cancelled). The rights which are weaker are called Prima Facie Rights. Prima means first and facie means face. Prima facie literally means first face, as in superficial, just outward appearance. Prima facie rights are rights that appear at first to be important until some more important right stands in its way, then the prima facie does not seem so important. Although Prima Facie Rights are mostly discussed in legal literature, they are indeed based on the notion of Prima Facie Ethical Rights.

My negative right to whatever is sometimes likely to interfere with your right. For example, I have the right to listen to music. But if I play music loud enough, this can interfere with your right to peace and quiet. Which right wins out? We could decide by which right is more necessary to our basic needs. Do I need to listen to music? Do I need peace and quiet? Well, most everyone agrees, we need peace and quiet for well being. Music is an extra, not a need. But making this decision is not necessarily so simple. Back home (New Orleans area) music is considered necessary to life, like breathing. It is difficult to get people to buy into the peace and quiet line. Notice that I have switched from talking about ethics as what is right and wrong for everyone regardless of what their culture believes, to looking at what people agree about, and that can vary. This switch is okay because once we start talking about needs we are talking about FACTS, not just ethics. If ethics relates to facts then we start looking for facts about needs that we agree are not subjective and not just cultural. In the case of the right to listen to music, weighed against the right to peace and quiet, we find a need involved that is definite: we need to sleep. Everyone has a right to sleep at night. So if you play music at night and disturb sleep of your neighbors, you

have violated their more important right to sleep at night, even in Louisiana, except during Mardi Gras, Christmas Eve, and countless town festivals.

Doing ethical rights analysis of cases is often a matter of weighing conflicting rights, like music v. sleep.

Negative rights almost always trump positive rights. The philosophical concept that best explains why is the difference between doing nothing and taking action. Governments, in doing nothing, might not completely fulfill their duty to provide positive rights, but in taking action that violates negative rights governments put themselves in the unethical position of violating rights of innocent people. You cannot provide positive rights if it means performing actions that violate the rights of innocent people. This applies almost universally in rights theory. Every positive right is based on a negative right that a person cannot meet on their own. It is the negative right that "grounds" the ethical imperative of positive rights. It is because we have the negative right to try to get our own food, clothing, and shelter that we extend that right to positive rights, making the ethical case that when we cannot get them, someone has to give them to us. You have negative rights, and only in very special circumstances should positive rights kick in. Your negative rights arise as you reach the age of consent: adulthood that signifies you can make logical choices about your own life and your own needs.

Would we want government to provide everything for us? Most of us would prefer to make our own choices about how we get basic necessities because we get a sense of fulfillment and worth from doing things for ourselves (exercising our negative rights) instead of having government give these to us. Free choice is the basis of rights theory. Rational adults should make their own choices.

WARNING: But be careful not to argue that a specific negative right is more important than a positive right merely on the basis of the importance of negative rights, because there can be circumstances where this is not so. It all depends on the rights in question and the circumstances of the case. But this will not usually be a problem, since what we find is that, in most cases, one party violates rights of an innocent party and that the violation is not mutual.

CONFLICT OF RIGHTS ARE NOT THE NORM

Conflict of rights applies when both parties are going to violate each other's rights. When that happens, you have to decide which rights are more important. **But in cases where one party is violating the rights of someone who is innocent, then the violation of rights is not mutual. In that case, the party violating rights is going to be forfeiting their rights, period. There is no conflict of rights in such a case.**

GOVERNMENT DUTIES AND INNOCENT PEOPLE

Governments have no rights. Governments are not people. Government staff are people, and as private citizens, off duty, they have rights. But as staff of government in their role as government, they have no rights. Governments only have duties: duty to serve the people they represent. This role of duty applies to police, teachers, NSA, TSA, elected officials, monarchs, and appointed officials, etc. The only right preserved even while functioning as government staff, is right to free speech, but even free speech may have limits when you are working for government.

Given rights theory, government has 2 basic duties:

- protect negative rights
- provide positive rights.

The role of government in terms of conflicting rights is especially important to computer ethics and negative rights. While it is true that rights often conflict, it is also true that innocent people should not have their negative rights violated, not if they do not violate rights of others.

This becomes most important in issues of privacy and government interference. These days it almost seems that governments believe technology can and should be used in the name of right to safety. But if you do not violate safety your rights do not conflict with rights of others. Governments use prima facie rights against us, and they do so often in the name of an ethics of rights. One mistake students usually make is to assume that right to safety often conflicts with your rights to privacy or free speech or information. But, if you are innocent, you have no rights in conflict. Yes, government has the duty to provide you with safety, but this positive right to safety cannot be used as an excuse for government to violate your negative rights to privacy, not if you are innocent of any violation of rights of others. If you are INNOCENT, you are just not a threat to safety. If you are an innocent person, not going to hurt anyone, government cannot shackle you, lock you up, scan you, pat you down, just to make sure everyone is safe. They can only do this to those who threaten safety.

Human beings are individuals each with dignity & self-worth. We are not cattle being horded onto trucks, we are not bits of straw in a collective haystack that need to be prodded and inspected in order to weed out the needles in the haystack. If you are not a threat, there is no conflict between your negative rights and your safety or the safety of anyone else.

In order to violate your privacy government must have good reason to assume your guilt. Government needs to have proof that you as an individual are a threat to safety before they can start treating you like you might be a threat to safety by scanning you, reading your mail, or whatever. This is rights theory.

But how then are they to know who is meaning to cause harm if they cannot screen us first? Government does have a problem here. The solution is to find non-invasive ways to screen us, etc. Government must find some other way to provide you with safety, they cannot violate the rights of innocent people in order to give you safety. At least they cannot do so in the name of an ethics of rights.

PRIVACY VS PROPERTY

Often, especially within recent laws, there has been a tendency to view any issues related to individual persons as issues of privacy, such as stated in the Electronic Communications Privacy Act.

PRIVACY

But privacy is a specific concept with a clear definition that is not as broad as laws and unreflective thinking assume. **Privacy** is the setting of boundaries whereby you include & exclude other people from interacting with you. That interaction can take different forms, and in computer ethics, it is usually the interaction of communicating. Privacy is always a negative right. Nobody can decide for you when & how you should limit or include others in your interactions, not if you are innocent.

Your data is private sometimes and sometimes not. It is a mistake in reasoning to assume that since your personal data might be made public, then there is no ethical problem if your data is being used without your permission. This thinking fails to recognize the distinction between property & privacy.

PROPERTY

Your personal data is always your property and you must be the one to decide what happens to your data. Using your data without your permission might not be a violation of privacy, it might be that there are no people disrupting your choice of who interacts with you. But your data is still your data. You own your data. Your data is your property. You are the one who decides who uses it & for what purpose. Use of your data without your permission is a violation of your property rights. It might also be a violation

of your right to privacy, but it is important to keep in mind the important distinction between digital privacy & digital property.

PRIVACY VS ANONYMITY

Again, privacy is your choice to create a boundary in which you include or exclude others. What does this mean? Well, if you include your friend Jeff in a private meal with you, just you and Jeff, then you have excluded your friend Ashley. If you are alone in your bedroom you exclude everyone. You are very private. Now, suppose you are walking around in public, say at Starbucks. How much privacy do you get? None, you are out in public.

ANONYMITY

Right to **Anonymity** is the right to be a nameless face in a crowd. It is in a public setting that anonymity can be ethically significant. When dealing with cases like TOR use, always keep in mind the scenario of walking around outside --you are out in public, if you are not a celebrity and not a criminal or public figure, then you get to be a nameless face. You do not have to give out who you are to strangers on the street. But if you go home, walk into your bedroom, being nameless in the privacy of your room makes no sense, it just is not a factor because you are in private. **If you have privacy, you do not need anonymity.** It just is too much to demand. Who needs to be anonymous while alone in the privacy of their own bedroom? To need anonymity in that case, you likely have something bad that you are trying to hide. Now, in the case of Facebook and in many other cases, especially cases of government involvement, promises of privacy might not be adequately met. In those cases, need for anonymity might not be too much to ask. A non-tech example: even in the "privacy" of her home, a woman might need anonymity in order to hide from a stalker. Why? Because her privacy is likely to be invaded, even as she sits alone in her private space. If your right to privacy cannot be secured, and you are innocent, then you have the right to anonymity.

CONTRACTS (the TOS)

Here is the problem with most website Terms of Service (TOS) contracts:

Imagine you are invited to supper next door. You knock, are greeted with the offer of a deal, "you eat here tonight, you agree we can cut off your arm after supper". Well, that's a TOS. Is it binding, legally or ethically? No it is not, because **ethically, they cannot ask you that!** Legally, would it hold up in court? Of course not, cutting off your arm is illegal and doing so in exchange for anything, certainly in exchange for supper is illegal, they cannot ask you that.

Analogously, companies cannot make you agree to let them do whatever they wish with your data. They cannot ask you that. It is your data, you must control it. It is also illegal, and it should be illegal.

So, then why do most tech companies and most websites have unethical & illegal TOS?

3 REASONS FOR AN ILLEGAL & UNETHICAL TOS:

1. Most people do not know the contract is not legally binding if it is illegal to begin with. So when you complain they say to you "well, you signed a contract agreeing to this, see it here." And most people, being unaware, just accept that as the last word.
2. In the USA, signing of a contract, no matter how abusive or illegal are its terms, will get the creating party a day in court & a hearing. Well, they cannot win if the clause is illegal. They know they cannot win,. But they have legal teams, money, etc. to litigate forever, users do not.
3. Except for France, nobody on Earth punishes creators of illegal contracts. Companies can ask for control of your data, your first born, your eye or arm & leg & nothing ever happens to them. No fines, disbarment, nothing.

The worse companies for abusive TOS? Insurance companies. They put illegal clauses in contracts and use that to deny coverage & this works so well for them: they get to delay until the patient dies. Nifty!

So, be careful, an appeal to signed contracts usually does not count, because, as the French claim, those contracts are usually abusive: one-sided and coercive.

RIGHTS (ARGUMENT Section of OUTLINE)

1. **DEFINE RIGHTS: RIGHTS are a justified claim to a certain kind of treatment from others, to help from others or to be left alone by others. (just copy and paste definition)**
2. State very generally, in one sentence, if rights are violated
3. List ALL groups or individuals whose rights are or might be involved (a sentence)
4. Write a paragraph for each group (or each individual) explaining how their rights are possibly involved. Explain the importance of that right.
5. Explain in a separate paragraph which rights are violated, if any.
6. Explain in a separate paragraph which rights conflict, if any do
7. If there are conflicting rights, weigh the conflicting rights of the groups: which are most important?

UTILITARIANISM

UTILITARIANISM-promotes consequences that bring the greatest benefit AND the least harm overall.

Utilitarianism is a consequentialist theory

Consequentialism examines the ethical results of an action, not the ethical mindset that caused the action. Utilitarianism always discusses consequences of actions.

Jeremy Bentham (1748-1832)

Bentham was the founder of utilitarianism. He states in *An Introduction to the Principles of Morals and Legislation* (1789):

The pleasure principle, the greatest happiness of the greatest number is the foundation of morals and legislation.

The ability to suffer, not the ability to reason, be the benchmark of how we treat other beings.

Notice immediately that there is no distinction here between **who** is suffering, and there is no distinction between one form of suffering and another. Suffering is suffering. Animals count as much as people. There are no people who count more than others.

EXAMPLE You must kill or severely harm a child who is in the line of fire of someone who will kill hundreds of people if not stopped. Ethically, utilitarianism would say you must sacrifice the child to save hundreds if you can clearly see that the result would be savings so many lives.

Utilitarianism may seem at times outrageous, and through his calculus Bentham sometimes seems heartless and cold. But unlike any and all other philosophers we will look at, Bentham was active in trying to reform the world he lived in. He was active in political parties, and he used his utilitarianism and his pleasure calculus to try and persuade politicians to vote for reforms in England. He advocated:

- freedom of expression
- equality for women
- animal rights
- abolition of slavery
- abolition of physical punishment (including that of children)
- chance to divorce
- free trade
- defended homosexuality

- inheritance tax
- restrictions on monopoly power
- pensions
- health insurance.

He was as ethically advanced as we can imagine a man of his day could be. Many of the reforms he worked hard for have only been realized in the late 20th Century.

Bentham & his Pleasure Calculus (CRUNCHING THE NUMBERS)

Bentham actually lays out a formula for calculating the ethics of an action according to how much overall pleasure/pain the action will cause, this is his pleasure calculus

- INTENSITY--How strong is the pleasure?
- DURATION--How long will the pleasure last?
- LIKELIHOOD--How likely or unlikely is it that the pleasure will occur?
- PROPINQUITY/REMOTENESS--How soon will the pleasure occur?
- FECUNDITY--will action likely bring more pleasure?
- PURITY--The probability it will be followed by pain.
- EXTENT--How many people will be affected?

Here are quotes where Bentham outlines how the pleasure calculus should work:

1. Sum up all the values of all the pleasures on the one side, and those of all the pains on the other. The balance, if it be on the side of pleasure, will give the good tendency of the act upon the whole, with respect to the interests of that individual person; if on the side of pain, the bad tendency of it upon the whole.

2. Take an account of the number of persons whose interests appear to be concerned; and repeat the above process with respect to each. Sum up the numbers expressive of the degrees of good tendency, which the act has, with respect to each individual, in regard to whom the tendency of it is good upon the whole: do this again with respect to each individual, in regard to whom the tendency of it is good upon the whole: do this again with respect to each individual, in regard to whom the tendency of it is bad upon the whole. Take the balance which if on the side of pleasure, will give the general good tendency of the act, with respect to the total number or community of individuals concerned; if on the side of pain, the general evil tendency, with respect to the same community.

Below, just to give you an idea of how Bentham crunched the numbers:

- 1. Begin with any one person of those whose interests seem most immediately to be affected by it: and take an account,*
- 2. Of the value of each distinguishable pleasure which appears to be produced by it in the first instance.*
- 3. Of the value of each pain which appears to be produced by it in the first instance.*
- 4. Of the value of each pleasure which appears to be produced by it after the first. This constitutes the fecundity of the first pleasure and the impurity of the first pain.*
- 5. Of the value of each pain which appears to be produced by it after the first. This constitutes the fecundity of the first pain, and the impurity of the first pleasure.*

Very detailed calculations that go on and on for each person involved.

A MODERN APPLICATION OF THE PLEASURE CALCULUS

Our version will be much simplified, but gives the gist of the Bentham calculus. We take as an example, the tortures of POWs in Iraq.

We first assign points to those who got pleasure.

250 average points of pleasure for each guard torturing prisoners X 30 guards

We assign pain points to the POWs

60,000 average points of pain for each tortured prisoner X 300 prisoners.

Simple enough.

Pleasure

250 X 30

750 pleasure points

Pain

60,000 X 300

1,800,000 pain points

So pain outweighs the pleasure, right? Wait a minute, not so easy. How did we come up with these points for pleasure & pain?! According to Bentham you need to know the intensity. Animal pain, human pain, are all equally pain.

John Stuart Mill (1806-1873)

John Stuart Mill was the godson of Bentham and they were very close. Mill was raised as a Utilitarian. He believed later that Bentham was too reliant on the notion of physical pleasure and pain.

Mill introduced a distinction between lower and higher pleasures.

Better to be a human miserable than a pig satisfied.

Modern Utilitarianism reflects the contributions made by John Stuart Mill. Pleasure and pain cannot be simply equated with physical reactions or affects. If we believe that pleasure & pain are not easily quantified then we have to take into account different kinds of suffering. Not everyone affected in the tortured prisoners case was considered, and all results were not considered. We must also consider emotional reactions that do not simply equate with physical suffering. But if we do so, then we must consider any people who are not directly physically affected, but might be emotionally affected.

OTHER AFFECTED PERSONS & OTHER RESULTS TO CONSIDER

- Families, friends, and communities of those tortured suffered great anguish to learn of or see these tortures
- Those guards who were tried and convicted, they got pleasure originally, they get pain to pay now
- Families of those guards, how embarrassing for them!
- The whole military, morale was brought down, less respect for military.
- Military officials suffered, at least one was fired.
- Did the Republican Party lose support? YES, the whole Republican party suffered.
- Most Americans lost some confidence and trust in government, bringing down our sense of well-being just slightly.
- Such actions by U.S. encourage Jihad. If this leads to a terrorist act in the future, those hurt by that future terrorism must be considered.
- One last consideration. Did these tortures help to discover information from prisoners about possible terror cells or future planned terrorists acts? (that is what was supposed to have been the reason for the tortures)

So when you do utilitarian analysis **you must consider everyone!**

NOTE.

What I have given here is just a list of everyone who is harmed. You would need to write a sentence or two about each group and describe their harm in more detail.

OUR VERSION OF UTILITARIANISM (modern utilitarianism)

BENEFIT & HARM

We have through the centuries broadened utilitarianism so it encompasses more than the hedonistic concepts of pleasure and pain. Benefit and harm take into consideration more than mere pleasure. You may not be happy, yet better off not seeking a goal of happiness that will forever elude you. You may not think happiness should be the goal in life. Some people get very much pleasure out of physical pain. Pleasure and pain are just inadequate ethical standards.

Benefit allows for a more encompassing ethics of utility. *Benefit* does encompass physical pleasure, but it allows for a quiet life of very little physical intensity. *Benefit* can refer to a successful life, or a life of nurturing and giving. These goals might come at great pain to you, yet you might find this the most beneficial life. Discussing *overall benefit or overall harm* gives us more room to stress other human values besides happiness and pain. So, we will not discuss pleasure and pain. Instead, we discuss benefit and harm.

NO NUMBER CRUNCHING

No-one today actually crunches numbers. That just seems an unethical thing to do. We cannot assign a number value to the benefit people get from the results of an action. We cannot assign number values to harm done to people. Assigning such number values seems like equating humans with objects. Human beings deserve more than a statistical number. Instead we vaguely assert that there is more harm or less on the whole.

NOTE.

Be careful when using Utilitarianism that you **stick to the original act** and a clear indirect result.

For example there are two acts here:

1. The tortures
2. The discovery of the tortures

These 2 actions are closely related and can stand as one, since the discovery brought ethical consequences that the original act would have brought. For example, families would have been painfully embarrassed by their relatives torturing these POWs if they knew without the press leaking the case. The military official who was fired, ethically should have been fired even if the press had not run the story. Chance of Jihad would increase too since Iraqis would hear about this from families of POWs, etc.

But if you look at a further action that brings a different ethical outcome, you will get major points off for confusing two actions.

EXAMPLE: Suppose you say that overall, the tortures brought less pain in the long run because Congress will now take steps to outlaw this kind of military wrongdoing by making sure third parties are always present to protect POWs.

This would be a third action, an action by Congress, and it is way too far removed from the original action you were considering. It is too indirect.

So, when weighing benefit to come from the action against the harm, do not dig for an obviously different action to find some benefit.

Stick with the original action. You do not want to say that overall, torturing prisoners is beneficial because we will get new laws. Getting new laws is too far removed from torturing. Getting new laws is a different action with a whole different set of players, etc. Most importantly, we know torturing overall does great harm. Getting new laws just changes the ethics completely because you changed the subject.

RULE VS ACT UTILITARIANISM. *Just to let you know that philosophers discuss this distinction*

ACT UTILITARIANS

Act Utilitarians claim that consequences should be judged for each case. Bentham & Mill were Act Utilitarians (some sources claim Mill was rule utilitarian).

In this course, when you do Utilitarian analyses you will be doing Act Utilitarianism. You only need to know the difference between Act Utilitarianism and Rule Utilitarianism for your Midterm Objective Exam and Final Objective Exam.

RULE UTILITARIANS

Rule Utilitarians claim that consequences should be judged in terms of rules that can be applied in general for similar cases.

Rule Utilitarianism seeks to ignore the specific case at hand and its specific consequences by claiming that following rules (or some specific rules) promotes overall good. Rule Utilitarianism was a latter 20th C. attempt to soften utilitarianism or make it look less ruthless.

EXAMPLE: Above we noted the example of the child sacrificed to save hundreds. But we feel there is something cold-hearted and wrong about killing an innocent child to save people. Do we really want to judge actions by crunching numbers: one child vs. many others? Rule utilitarianism would claim that we should look to a general rule: killing people in general is wrong, so we should not kill in this specific case. So, we should not kill one innocent child to save untold innocent people. But that is not the spirit of utilitarianism.

In the end, despite much philosophical persuasion, Rule Utilitarianism is claiming a special utilitarian value to following rules—for the sake of following rules. But in fact, following rules just for the sake of a general belief in following rules rarely serves overall good. You might get a compliant, orderly people, but

you would undoubtedly get many people who would like everyone to always follow the rules they set.

In order to judge whether always following a rule would maximize overall good, you will have to look at specific cases of applying that rule. But looking at specific cases is Act Utilitarianism!

(RULE UTILITARIANISM EXAMPLE: lying is always wrong because in the long run everyone is better off if people never lie.)

(ACT UTILITARIANISM REPLY: following rules in every case is always wrong because in the long run everyone is better off if people are allowed to make exceptions to rules.

Another approach to this debate is that Rule Utilitarianism either adds nothing to Act Utilitarianism or looks nothing like Utilitarianism at all.

Act Utilitarianism works because the act utilitarian definition does not specify timeframe. Overall can be overall taking into account distant or closer future.

So we ask, if lying now, say lying to government officials accomplishing an end to a war, could be seen to save lives, not much of a stretch to say that a rule to lie can be applied in general for similar cases of ending wars, and to say that this lie would bring the most good overall over time. If it does not fit the individual case (Act Utilitarianism) in terms of benefit to mankind overall for now and for any possible generations to come, then it will not fit Rule Utilitarianism. The problem here is, how general must a rule be in order to apply to a specific case? Does lying in every case violate utilitarianism, or does telling the truth in this kind of case violate utilitarianism?

An ethics of utility that always follows a rule will be one that fails to serve overall good.

So, we will just stick with Act Utilitarianism, and beware of trying too hard to follow general rules or looking to general society. **Lying sometimes serves overall good, even if it usually does not. This is one important way that utilitarianism differs from other ethical theories we will look at.**

EVERYONE COUNTS

In utilitarianism you must weigh the benefit & harm to everyone who might get benefit or harm. Utilitarianism is not just about sheer numbers. Everyone who experiences consequences counts. Each person counts as one person. The benefit to that person might be sacrificed for overall benefit of everyone, but that person does get counted. Even guilty people count, or rather, utilitarianism does not consider guilt or innocence. Utilitarianism does not discount the benefits & harm to people just because they are to blame.

“SOCIETY” does not get counted.

Act Utilitarianism, and rule if it is ethical, is about real flesh and blood human beings & animals, maybe the trees & earth too, but not about society. The abstract concept of society is often used to blur the reality, make the people count less. Utilitarianism is tough to swallow at times in the ways the individual seems sacrificed for overall good. It is even tougher if real people are discounted in the name of an abstract society. As is, we are dividing all the real people into groups. Bentham would have liked us to be able to point and consider every single real human being. Well, we'll have to group, but we do not have to ever make it about society.

BENEFIT/HARM TO COMPANIES RARELY MATTERS:

When it comes to money, utilitarianism rarely makes a call one way or other unless money goes from rich to poor. Only time money is a benefit is if it goes from rich to poor. Only time money is a harm is when it goes from poor to rich. In a competitive environment, you can never discuss the benefit to any company while ignoring the harm to its competitors. You can never discuss the harm to a company unless you discuss the benefit to its competitors. In a competitive market economy, money just changes hands, balancing out: company x gets \$\$? Then Company y loses \$\$\$. But there are rare exceptions to this general rule that benefit/harm to companies cancels out. If a company has a monopoly that is not harming anyone, then they have no competitors. Facebook currently has such a monopoly. But be careful. You must still consider that those who work in these companies get very little value for, say \$100. compared to that \$100. in the hands of poor people. The one hundred dollars just means more in their lives. There is a point at which you have so much, a few hundred dollars means nothing to you, but it means very much to a poor person.

DO NOT APPEAL TO RIGHTS. DO NOT APPEAL TO ISSUES OF PRIVACY.

Utilitarianism only looks at real consequences of real actions. Privacy is not a consequence. Privacy is an abstract concept of a certain philosophical view, namely, rights. Only the consequences of loss of privacy can be harms, but then, you must frame the loss outside of the abstract conceptual view of rights: data breaches can have consequences and only those possible consequences count, such as losing your money, ridicule, losing your job, identity theft, spouse asking for divorce, being stalked. Those are real consequences, they count under utilitarianism. Privacy is just a state of being isolated. Isolation can be a benefit but it could also be a harm. There is nothing inherent about privacy that makes it either a consequence or a benefit or a harm. Just be careful that you do not slip into rights mentality when you try to show benefits & harms. Never assume something is a benefit because it sounds ethical. Instead you have to discuss real harm.

“DISGRUNTLED” IS NOT A SUFFICIENT HARM.

People are often disgruntled. Indeed, given nothing to be disgruntled about, people will invent something. Utilitarianism cannot control for “upset” or “disgruntled”. Instead, stick with more direct & controllable consequences.

UTILITARIAN (ARGUMENT section of OUTLINE)

1. **DEFINE UTILITARIANISM:** Utilitarianism promotes consequences that bring the greatest benefit and the least harm overall. (just copy and paste definition)
2. State very generally, in one sentence, if the action of the case promotes overall benefit or overall harm.
3. List **all** groups who benefit (a sentence)
4. Write a paragraph for **each group** explaining how they benefit and why
5. List **all** groups who are harmed (a sentence)
6. Write a paragraph for **each group** explaining how they are harmed and why
7. Weigh overall benefit against overall harm

KANTIAN ETHICS

Immanuel Kant (German philosopher, (1724-1804)

In the first week of notes I stated that philosophy is questioning. A preoccupation with questioning usually means you think you can figure out some answers. Trying to reason out our biggest questions suggests strong belief in the power of reason, so reason is important to philosophy. Imagine a person who is all brain, always thinking, always rational, calm, unemotional, truly reasonable- the rational being, a Kantian.

Reason or Rationality, this was his greatest passion in life

BACKGROUND FOR KANTIAN ETHICS

David HUME (British philosopher 1711-1776)

Hume was a skeptic, he questioned everything. He maintained we have no good reason to believe the sun will come up tomorrow.

In ethics Hume maintained that there is absolutely no fact we could learn about the world or about ourselves that could tell us what we ought to do or what we should value. Nothing about the way the world is can tell what we ought do.

This is known as the problem of is-ought derivation: one cannot derive an *ought* from an *is*.

Kantian ethics is an attempt to prove Hume wrong. Kant provides an *is-ought derivation*

KANTIAN IS-UGHT DERIVATION

His task is to find some truth or fact that could tell us what we ought to do

But Kant agrees, there is no fact out there in the world that could tell us what we ought value or what is good and right. So maybe the truth about ethics are not out there in the world. Maybe the truth is in us, or about us.

For Kant, what is the big truth about us that counts? Reason or Rationality is the big truth about us that counts.

How to get to ought? He thinks about it quite a bit, this is his life, and there is another truth to consider. What does the word ought really mean?. Ought means a rule you must follow.

KANTIAN CATEGORICAL IMPERATIVE

- Categorical means no exceptions
- Imperative means command, absolute must
- Categorical Imperative: is an absolute must with no exceptions

Since Kant is so into reason, the categorical imperative is a rule of logic & non-contradiction.

So he states:

The greatest moral good can be nothing else than the conception of law in itself.

Here we should think of law as rule, something binding. He does not mean law in the sense of legal courts.

Notice what he has done here. He takes the concept of ought and supplies a definition of the word ought as a rule that has to be followed, absolutely no exceptions and he says, well, that is what we ought to follow: rules that no **rational** person could disagree with. The very idea of the definition of a rule or law is the ought he derives.

The truth he derives it from? The definition of a word can be thought of as a quasi-fact, a truth that does not come from experience but instead comes from logical meaning, but is a truth, an is nonetheless. clever.

CATEGORICAL IMPERATIVE, VERSION 1

Act so that the maxim for what you do you could will as a universal rule.

What he is saying in this Version 1 is that what you use as a guide for your morality has to be something that is not just special to you but something that you would expect everyone to follow too and that they would agree to follow. The most incontrovertible rules are those of logic, and of the rules of logic, non-contradiction is the first and foremost rule.

In this VERSION 1, the words he uses are much more important than they might seem when you first read it. Here is a breakdown of the important elements:

MAXIM- act so that the maxim for what you do

A maxim is a rule, a guide. He is saying that each moral action should be guided by a generalizable rule.

UNIVERSAL RULE- act so that the maxim for what you do you could will as a universal rule.

You do not get to have one set of morals or ethics for yourself and expect others to follow a different set of rules. You do not get to follow one set of rules today and another set another time. The moral rule has to be stronger than something that changes for different people or different times. The strongest rules we have are the rules of logic or reason. All other rules use the rules of logic. Central to this notion of a universal rule is the basic test of whether or not the rule might involve a contradiction. In other words, would the rule always be logical, always make sense? So, we ask, could we make this a rule always and forever? Would applying it always and forever give us nonsense or not?

EXAMPLE

If murder is okay in one case, could you make it a universal rule? That means everyone would murder everyone, always. But that is not possible. There would not be anyone around to keep it up. So

murder as a universal rule is a logical impossibility. That means murder is unethical. If you apply the rule to all places and all times, would it be contradictory in its very essence? If it is contradictory, it is logically impossible. It violates the rule of all rules: it violates simple logic, and so it is unethical.

EXAMPLE

If everyone lied all the time, then we would all know they always mean the opposite of what they say, so nobody could lie, because every time someone lied (and everyone would lie all the time. (Everyone would lie universally) then we would understand that they just mean the opposite of what they say. So really, you could not make lying a universal rule, logically, it is impossible.

WILL act so that the maxim for what you do you could will.

You have to be able to want this maxim to apply. It has to be a maxim that rational or civilized human beings could agree to.

EXAMPLE Sadism & Masochism in the bedroom.

If everyone was into kinky dominatrix sex, this would not involve a contradiction per se, but you could not get most rational persons to agree to it.

When applying Kant you must always first look for whether universalizing the action would lead to a contradiction. You are entertaining the possibility of applying your action as a universal rule that all humanity would always follow. Would this lead to a contradiction? If so, you have reduced this universalized action to an absurdity.

Be very careful. Saying that we would not be happy or that the universalized possible action would lead to problems does not constitute a contradiction. You have to explain and show that **If everyone did action x then nobody could do action x**. This is called reducing to absurdity.

You cannot say both that everyone would do it and nobody could do it. For Kant it is this reduction to absurdity that makes an action unethical. If you cannot logically universalize the action, then it is unethical. This means that if you want to give a really solid Kantian argument to prove something is unethical, then you must show that if everyone did it then nobody could.

KANTIAN CATEGORICAL IMPERATIVE --VERSION 2

VERSION 2 treat all persons as ends and never merely as means

Going from Rule 1 to Rule 2: because Kant says there is only 1 Rule

VERSION 1 **Act so that the maxim for what you do you could will as a universal rule.**

- Your willing what is rational is an end in itself
- You cannot uphold your willing what is rational as an end in itself while denying the rule of willing what is rational as an end in itself. Reason dictates that you cannot will as a universal rule an action that denies having a will to make rational choices
- Persons are beings with will to make rational choices
- Persons are ends in themselves

therefore

VERSION 2 **Treat all persons as ends and never merely as means**

Basically, this says, do not only use people to get what you want.

This version is the basis for Kantian discussion of rights. But it is important to recognize that persons are ends in themselves because they are rational beings. According to Kant being rational and having rational will (able to make rational choices) is the reason why we have moral rights.

Greatest moral good can be nothing else than the conception of law in itself which is certainly only possible in a rational being

So, do animals get moral rights? For Kant, no they do not. They should be treated well in general because mistreating them makes you less rational. He explains it something like this.

If you torture your pet hamster because you like to watch him squirm you are just not acting like a very rational person. Violence and meanness just become habits that make you less logical and rational. We ought to be good to irrational beings because treating them meanly reflects on our rational behavior. But these irrational beings have no ethical rights.

Be careful, in business all people are being used as means to make money. The point is, you have to prove they are **only** being used to make money.

OTHER IMPORTANT KANTIAN QUOTES:

Nothing can be called good without qualification except a good will

Good will means doing things out of sense of duty to do the right thing.

Notice how for Kant what we do morally depends on **why** we do it, what is in our minds. We have to have the right attitude. We have to be doing it, not because we feel sorry for those who suffer, etc, but because we have a moral duty to act like rational beings.

Before you apply Kant to a case, it is important to realize that Kantian ethics applies tests to determine if an action is **unethical**. These tests do not determine when an action is ethical. Sometimes, a case will just not apply to Kantian ethics.

OUTLINE FOR KANTIAN ARGUMENTS

Kantian Ethics is approached in terms of 3 tests, but you should **follow the steps below, exactly in order**, these steps or for Test 1 and then test 2. **Beware of Step 9 (TEST 3), ask me first.**

1. Give a general statement, a sentence, stating if the categorical imperative is violated or not.
2. DEFINITION –CATEGORICAL IMPERATIVE (the **definition** for Kantian ethics): **Act so that the maxim for what you do you could will as a universal rule.**
3. Apply the action as a universal rule that humanity would always follow.
4. Describe the world where this would be the case.
5. Is there/would there be a contradiction (like the examples of murder & lying)?
6. Explain in great detail, how or why; if everyone did the action, then absolutely nobody could do the action. **If there is a contradiction, stop here. You have proven the action is unethical according to Kant.**
7. No contradiction? explain why no contradiction arises, then go to step 8
8. Show how or why most reasonable people would or would not agree that this action is the correct ethical action. Could all reasonable people agree to it?
But test 2 does not give a very strong argument, it relies on consensus rather than solid universal ethics.

DO NOT DO STEP 9!

ASK ME BEFORE DOING STEP 9

9. Show that rational beings are only being used as a means to a goal.

It is very rare that you can make a good argument for step 9. In business we use people to get money. This is okay for Kant, everyone uses others. The point is are they only using people? But to claim this you cannot just say it, you have to be able to **prove** it. You cannot assume it is okay to make an accusation like this without proof. It is a very strong accusation, and in almost all cases, someone can show how you are wrong. To prove it you have to have a smoking gun, usually a document made available in the case that showed they were aware that people were going to die and did not care and in their decision these dying people were just dollar signs or numbers on a page. Tobacco companies in the 60s is an example. Computer companies rarely only use people, they usually think customers are important as people too. If you have proof otherwise for a case, then ask me and I will let you know if your proof suffices.

JUSTICE

We all understand the language of justice and fairness, but philosophers have given a rather precise formulation of justice. Justice theory does not refer to law enforcement or legal issues. Legal issues can often be adjudicated using justice theory, but justice theory is broader.

JUSTICE is, in the end, about treating people, **things or processes** the same or differently. But in applying criteria in computer ethics, the relevant differences are not usually directly about people. Applying justice theory is very useful when someone is assuming or stating that something about a case makes things equal or that something makes things different. The something is often not actually referring to people but to important other considerations. Think of applying Justice as trying to compare apples and oranges, sometimes you need to see the important difference between the apple and the orange, and sometimes you need to pay attention to the fact that they are both the same: just fruit.

EXAMPLES:

- cell phones versus laptops
- speaking in public versus posting on Facebook
- owning software versus owning hardware

Often, it is the medium of technology that can make the big difference and someone is failing to recognize this.

EXAMPLE (where people come in more directly, but the emphasis should be on actions):

According to recently proposed laws, all sex offenders would be denied social networking access. But our laws usually label an 18 year old having sex with his 17 year old girlfriend the same as a 50 year old man raping a 2

year old. We want to say their behavior should be treated differently, not the same.

COMPARING PEOPLE:

Ask yourself, is there something inherent about the people in this case that is being equated or differentiated? Is there something about these people such as their race, religion, ethnicity, country of origin, hair color, sexual orientation, age, eye color, or name that is being equated or differentiated? **If the case is not about these or other definitive factors about people, then do not compare people, the case is instead about objects, behaviors, or processes.** So in the example about sex offenders, we have two comparisons to address, different age groups are being equated, but in this case, the age groups matter, so wrong groups of people are being equated, but more importantly, two different behaviors would be wrongly equated: older teens having mutual sex is not the same behavior as pedophiles abusing children.

These kinds of considerations where things are wrongly equated or differentiated makes justice theory very useful. Really discussing in detail the way two things or processes are being wrongly equated or wrongly differentiated can be a very useful ethical approach. Sometimes we mistakenly lump tech considerations together when we should not. Or we want to see the latest innovation as somehow different from the way the world was before, when it really should be recognized as similar.

Often, what we assume to be a **rights** issue is instead a justice issue. Students often think of discrimination as a rights issue, but rights theory does discriminate, it must discriminate, at the very least, between the rights of children and the rights of adults. Sometimes special rights apply to special persons, such as positive rights of redress or for special needs. Rights is not accurately described as equal. If you want to make claims of equality or special needs, etc., then use justice theory.

The general definition of justice is:

JUSTICE: treat equals equally, unequals unequally

Notice how this definition does not specify people, it merely states that if we are fair, we treat whatever as equal when it should be seen as equal, and different when it should be seen as different. The word should is the important term here. Should tells us we are making a claim about ethics, specifically, about what is **fair**.

There is a traditional division between three forms of justice: compensatory, retributive, and distributive. You should know this division for exams, but **in applying justice to cases, just use distribution, do not specify**

compensation or retribution. Why? Simply, you **distribute** compensation, you **distribute** punishment.

3 FORMS OF JUSTICE

- COMPENSATORY-fair compensation for loss due to wrong action of others.
- RETRIBUTIVE-fair punishment or penalties for wrong-doers
- DISTRIBUTIVE-fairly distribute social & economic benefits and burdens

This last one, DISTRIBUTIVE JUSTICE, (distribute benefits and burdens equally to equals and unequally to unequals) is very important to political philosophy and to ethics in business and the professions. The definition of distributive justice, means that whatever your criteria for distribution is, you should use that criteria evenly.

Justice Theory was systematically treated in Ancient Greece by the philosopher Aristotle. He divides justice criteria according to the forms of government that exemplify that distributive criteria.

Here are the definitions and characteristic political states for Aristotle's forms of distributive justice. Notice how these forms of justice do indeed often disagree.

WHEN DISCUSSING JUSTICE, DO NOT MENTION THE FORM OF GOVERNMENT.

The listings of forms of government is just to give you a sense of how Aristotle formulated the different criteria of justice. **Do not mention the forms of government in your case analyses.**

1. EGALITARIAN- there are no relevant differences

Distribute benefits and burdens **equally**

This form often applies when you are looking at cases where race and religion are factored into how people are treated, such as cases of discrimination, **and** you think those race/religion, etc. factors should not have been considered. In other words, there was unfair treatment because everyone should have been treated equally and they were not.

Using Egalitarianism is tricky. We are very often using the six other criteria to show things should have been treated the same. That sounds like egalitarianism, since it is about treating things the same. Best to reserve egalitarianism for when you want to emphasize that the case has nothing to do with merit, nor with any of the other 6 criteria. The example of race or religious discrimination is just such an example. We want to stress that there should be no relevant differences of race or religion. Merit has nothing to do with this decision.

2. ARISTOCRACY-Monarchies, etc.

Distribute benefits according to **merit**. School admissions, salaries of CEOs could be seen as merit. The idea of merit is that something should be treated differently because it deserves a difference. But you can earn punishment too. Merit is the catchall, when no other criteria apply, merit applies. **It just means something about what you are comparing shows us why there should be sameness or difference.** You then explain what that difference is. **Merit is the**

preferred criterion, it will allow you to focus on the difference or sameness of the tech itself rather than reaching for some other criteria.

Again, merit does not have to have positive connotation, it can signal a bad difference. It all depends on the case. Merit does not have to be about people. We say, for example, *This situation merits special attention.* This is perfectly correct English, and it is not referring to people.

3. CAPITALIST

- distribute benefits and burdens according to WORK EFFORT
Those who work hardest deserve more
- distribute benefits and burdens according to PRODUCTIVITY
We all know co-workers who work hard but get very little done. They are just too slow, etc. Productivity would say we should count how much they get done, not how hard they work.
- distribute benefits and burdens according to MARKET DEMANDS
You have to explain what the market demands.

4. SOCIALIST-socialism can include work effort &/or productivity

- distribute benefits according to NEED
- distribute burdens according to ABILITY
- Be cautious in using needs/ability, that you are not too closely mirroring utilitarianism.

In this course, **merit, productivity, work effort, & market demands** are usually important.

MERIT is the catchall you should use.. In computer ethics, the things compared are very often technical variations or environmental factors related to tech use, etc.

In terms of criteria related to **technical variations**, an example would be government demands for backdoors. Problems with those demands often involve issues of system integrity versus pieces of code. Elements of the technology itself need to be defined, described, and compared, so if you used other criteria, the other criteria would not suffice. In terms of **environmental factors of tech use**: think of playing a computer game versus playing Pokemon GO. How, where, and when become important distinguishing criteria.

But if you are having difficulties framing your argument around the tech itself, then try framing your argument by one or more of Aristotle's criteria other than merit.

7 JUSTICE CRITERIA

7 criteria as standards of Distribution:

1. there are no relevant differences (specify EGALITARIANISM) Distribute benefits and burdens EQUALLY
2. distribute benefits and burdens according to MERIT
3. distribute benefits and burdens according to WORK EFFORT
4. distribute benefits and burdens according to PRODUCTIVITY
5. distribute benefits and burdens according to MARKET DEMANDS
6. distribute benefits according to NEED
7. distribute burdens according to ABILITY.

You **must** give arguments for both sides if you are looking at only one ethical theory.

OUTLINE FOR JUSTICE ARGUMENT.

RULE OF THUMB for step 4: When applying Justice, if possible, state differences, do **not state equalities**. There are logical problems with equalities (universal instantiation problem): when you say “all should” this could mean none should, better to **stress differences if you can**.

1. **Define JUSTICE:** Justice demands that we treat equals equally and unequals unequally. (just copy/paste the definition)
2. Give a general statement of the unfairness (or fairness) of the case. Best language to use:
X is being treated the same as Y
or
X is being treated differently from Y
3. Give some idea of who is doing the distribution of judgment in the case. (Be careful, a party being compared in the case cannot be the one doing the comparing.)
4. State whether equals should be treated equally or whether unequals should be treated unequally. Best language to use:
X should be treated the same as Y
or
X should be treated differently from Y
5. Give your criteria (can be more than one) for why equals should be treated equally or why unequals should be treated unequally.
6. Explain how your criteria fit.
7. COUNTERARGUMENT: Give an argument for the other side that people would likely or have proposed.
8. Explain why your comparison fits better, and why it is ethically better.

JOHN RAWLS

RAWLS CONTRACT THEORY

Hypothetical Imperative

Recall the Kantian Categorical Imperative which is a rule that must be followed, no matter what.

Rawls gives us a hypothetical imperative. A hypothetical imperative says that suppose this were the case, then we ought to do this.

Like Hobbes & Locke, Rawls is trying to imagine a state of nature where everyone begins with true equality, or at least begins without a sense of privilege. Counterfactual is an imaginary situation used to persuade in favor of a theory.

Here is the Rawlsian counterfactual:

RAWLS VEIL OF IGNORANCE

Imagine a group of people assembled in a room to create a government and laws. Imagine also that everyone in this group has severe amnesia and cannot see themselves or others. They also cannot feel themselves or others.

RAWLS ORIGINAL POSITION: a society that does not start w/ prejudice

Those in the **Original Position** are color-blind, class-blind, blind to educational level, blind to gender, blind to sexual orientation, blind to religious affiliation, blind to special needs, etc. Rawls maintains that if we made laws & governments, or if we examined fairness under this veil of ignorance, we would logically end up with his system, thus Rawls bridges suppose to ought.

He claims that, given the **Original Position**, rational agents under a veil of ignorance would agree to his PRINCIPLES 1 and 2 stated here:

PRINCIPLE 1.

Each person has equal RIGHT to most extensive LIBERTIES compatible w/ liberties for all (NEGATIVE RIGHTS)

We would be concerned that we all get enough basic freedom

PRINCIPLE 2.

Distribute benefits and burdens so that both:

B. Offices and positions are open to all (EQUAL OPPORTUNITY)

We would be concerned that we have a chance to having some control over what happens, if we want to have that control. (Equal Opportunity at government positions.) We would also be concerned that we have equal shot at applying for jobs in an open market. (Equal Opportunity as Non-discrimination in the job market).

A. GREATEST BENEFIT possible arises for the least advantaged
We would be afraid we might be the worst off, so we would want to make those at the very bottom as well off as we could

IMPORTANT:

PRINCIPLE 1 over-rides PRINCIPLE 2-we would be most concerned that we get basic liberty.

B over-rides A. Chance to improve as hope to rise above being at the very bottom is more important than being a little better off at the very bottom.

APPLYING RAWLS TO CASES

RAWLS seriously means absolutely using this PRINCIPLE 1 over PRINCIPLE 2 because we would be most concerned that we get basic liberty

B over-rides A. Chance to improve as hope to rise above being at the very bottom is more important than being a little better off at the very bottom. In other words, if you are hopeless about getting a better job but have food stamps and Xbox, you are pretty miserable. Better to do without the Xbox and have a chance at a job.

When applying Rawls you MUST follow the order he follows :

- negative rights
- equal chance for jobs
- least advantaged

FAIRNESS for RAWLS means

- NEGATIVE RIGHTS. Negative Rights are not violated. If negative rights are violated but everyone has equal opportunity and least advantaged are not worse. **STOP, DO NOT USE RAWLS.** Use rights theory instead. You cannot go on from here with Rawls. If only negative rights are violated then it is a Negative Rights case, not a Rawls case. So, your first step is just to show first that everyone gets to keep their negative rights, or loses them
- EQUAL OPPORTUNITY as in the ***Equal Opportunity Act*** Rawls is **discussing jobs. Specifically, he is discussing hiring practices.** Your second step is just to show whether anybody is losing chance for jobs (EQUAL OPPORTUNITY). Just show whether-there is job discrimination in hiring practices in your case. But you need to show this. You need to explain how the case relates to hiring practices. Even if there is no discrimination, you need to explain why there is none. Even if the case has nothing to do with hiring for jobs, you need to explain that the case has nothing to do with hiring.

Equal opportunity does not mean equal chance for goods or services, it only means chance for jobs. Having no equal chance for jobs means you do not have the chance to rise above your status.

For Rawls, opportunity for goods & services is going to be unequal. Not everyone is going to have the exact same amount of riches, etc. When Rawls discusses equal opportunity he means equal chance to apply for jobs and to be considered on your merit and qualifications. If you are poor, in this country you can still apply for any job. You should then be considered on your merit, not discriminated against for any non-job related factors. The fact that you have less education disqualifies you possibly, but that is not primarily an issue of equal opportunity. Education is a service. Under least advantaged, that is where access to goods and services applies under Rawls.

Also, it is important to recognize that preserving a whole field or industry is not part of the Rawls scenario of opportunity for jobs. He is not referring to making more jobs available and he is not referring to saving jobs that might be lost. Arguing this way is like arguing that we should all ride in a horse and buggy in order to preserve the jobs of blacksmiths. It is like saying we should all smoke cigarettes to preserve the tobacco industry. Having the chance to get a job in a particular field by preserving jobs in that field is **not** what Rawls means by equal opportunity.

- LEAST ADVANTAGED. Only after you have covered Negative Rights & Equal Opportunity can you even begin to talk about Least Advantaged. By least advantaged Rawls is not referring to the least advantaged of those involved in the case you are discussing. He means least advantaged in society. The least advantaged are the poor, homeless, ill (least advantaged are not companies.) For example, if your case deals with homeowners seeking remodeling services then there are no least advantaged. The least advantaged do not own homes. Under least advantaged, that is where access to goods and services applies under Rawls. It is not the case that these should be equal, he tells us, instead, we should try to make the poorest able to be better off, make their access to goods and services as good as it could possibly be. For Rawls, it might not be possible to avoid having richest & poorest, but at least we must try to make the poorest as well off as we can. This, however, he tells us is something we want to look for **only if** it will not make jobs less open and only if it will not deprive everyone of negative rights.

This 3 step process is absolutely essential to Rawls. You must prove that a test is not violated, and you must prove when tests are violated.

OUTLINE FOR RAWLS ARGUMENT

DEFINE RAWLSIAN THEORY: Justice as fairness means negative rights are preserved, there is equal opportunity for jobs, and the least advantaged are helped as much as possible while preserving negative rights and equal opportunity. (just copy and paste definition)

State in one sentence if the action violates Rawls or not.

State in one longer sentence how the action applies to this case: *negative rights are/are not preserved, there is/is not equal opportunity for jobs, and the least advantaged are/are not helped as much as possible.*

DEFINE NEGATIVE RIGHTS Negative rights are a justified claim to be left alone. Just copy/paste the definition.

List in a sentence everyone who has negative rights involved.

In a paragraph for each group of people, state their negative rights.

Explain for each group if their negative rights are preserved or not, and why or how.

DEFINE EQUAL OPPORTUNITY Offices and positions are open to all. Just copy/paste the definition.

State whether jobs are open to everyone or not.

If the case is not relevant to job opportunity, explain why the case is not related to hiring practices.

If job opportunity is closed for some, explain who is being shut out & why.

DEFINE LEAST ADVANTAGED Members of society at the very bottom, receiving least goods and services. Just copy/paste the definition.

Explain precisely who the least advantaged are in this case.

Describe their lives of disadvantage.

Explain how this case could or would result in worse or same or better conditions for the least advantaged.

If least advantaged would be worse off because of the action, then describe what their lives would be like.

End by recapping where the case is most relevant to Rawls (which test is most relevant & why)

VIRTUE ETHICS

DEFINITION OF VIRTUES: We should develop good moral characters or work to become virtuous people.

Notice that the definition of virtues is circular: being virtuous means developing a virtuous character. The definition is circular because being virtuous involves developing the tendency to a number of virtues, and no one virtue defines being virtuous.

SOME VIRTUES

Cautious
Charity
Courage
Discipline
Flexibility
Forgiveness
Helpfulness
Honesty
Humility
Loyalty
Patience
Prudence
Responsibility

Virtue ethics has a long history dating back to Confucius. In western philosophy we study the theory of virtue of Aristotle

ARISTOTLE

Ancient Greek Philosopher (**384-322 BC**)

According to Aristotle, virtues come from habit. In turn, habit comes from -education, training, and practice. Just being courageous, forgiving, etc., is not enough, rather developing virtues involves knowing when to use courage, when and how to forgive. This requires a lifetime of development.

Aristotle & the Golden Mean

Virtue is a balance between extremes, a mean between 2 vices, one of excess and the other of deficiency

Example

[recklessness is excess of courage] is [cowardice is deficiency of courage]

Aristotle's main virtues: justice, courage, temperance, and prudence.

Notice that Justice is a virtue. Compassion, caring, and kindness are also virtues.

However, the virtues of Justice & Caring (compassion) are deemed so very important in modern ethics studies, that we have separated these two virtues from the rest.

So, never discuss Justice or Caring as virtues, instead, use the ethical theories of Justice or Caring.

In English we rarely have the kinds of balances of virtues of excess/mean/deficiency in our terminology . We just do not have that virtues mindset. So, applying balance the way Aristotle does seldom works for us.

What we have instead are some virtues that we can list and name, and we have some vices, the opposite of virtues. But often in English we will speak of a vice without having a word that corresponds as a virtue. So, if you are arguing that someone or a company is unvirtuous, it is best to just discuss the vice they consistently show that makes them unvirtuous.

SOME VICES

Apathy
Arrogance
Conceit
Corruption
Cowardice
Dishonesty
Greed
Ignorance
Irresponsibility
Laziness
Lewdness
Malice
Recklessness
Ruthlessness
Shortsightedness
Stinginess
Stubbornness

How then might we discuss cases applied to virtue ethics? Recall that when we discussed rights we were careful to avoid speaking of ethical rights of businesses. Only people have rights. In the case of Utilitarianism, we must be careful not to consider the good of a company as such, the people in the company should be the focus.

But ethically, we can speak of specific virtues applying to companies: companies, institutions, and organizations over time can indeed develop ethical climates or traits, so that we can speak of an honest company or a shortsighted company or a greedy company. It is important to recognize that one act of dishonesty of a company does not make the company lacking in that virtue. Rather, repeated dishonesty shows that that virtue is not well balanced for this company. Think Microsoft, and you can recognize characteristic policies that come from this company that have called its virtue into question. A company is made up of policy-setters and those who enforce those policies on an on-going basis.

EXAMPLE: Once upon a time HP was viewed as the one place everyone wanted to work. The HP environment was consistent over time and various employee relations and customer and marketing policies gave it the label of a good company. Beginning with the retirement, and finally after the death of H & P, all of that changed. HP is no longer the virtuous company it once was. New CEOs promise it will get better, but HP will probably never again reach that pinnacle of virtue it once fostered.

OUTLINE FOR VIRTUES ARGUMENT

- DEFINE VIRTUE ETHICS **We should develop good moral characters or work to become virtuous people.**
- Make a general statement (x is virtuous/not virtuous) about each responsible or relevantly involved party.
- For each responsible or relevantly involved party:
 - a. **PARTY A**
 1. List their **virtues** (if any) in relation to the case. (a sentence)
 2. Define each virtue
 3. Explain how definition of the virtue fits the details of the case.
 4. List their **vices** (if any) in relation to the case.
 5. Define each vice
 6. Explain how definition of the vice fits the details of the case.
 - b. **PARTY B**
 1. List their **virtues** (if any) in relation to the case. (a sentence)
 2. Define each virtue
 3. Explain how definition of the virtue fits the details of the case.

4. List their **vices** (if any) in relation to the case.
5. Define each vice
6. Explain how definition of the vice fits the details of the case.

C. Repeat sub-steps 1 to 6 for all of the involved parties you can think of that did or could have shown virtues or vices. Sometimes the victims act very virtuously, sometimes they do not.

TIPS:

- **You define the virtues & vices by looking them up in a dictionary.** Most are straightforward, but be careful when using the vice of corruption, defined in terms of virtues, is broader than the usual definition. It is a very important vice. (Corruption - not only are you bad, you are encouraging others to be bad, fostering vice in others. In other words, corruption has 2 parties, the one being corrupted & the one doing the corrupting. The one doing the corrupting is especially bad.
- In listing, then defining, then explaining virtues & vices; list all the virtues in one sentence. Vices in one sentence. But then give the definition of each virtue or vice within the same paragraph as your explanation of how that definition of that one virtue or vice applies to the case. Do not list definitions in a group. The definition must be stated while you are explaining how that virtue or vice fits.
- Be sure to come up with both virtues and vices for each party involved.
- Be sure to discuss all relevant parties.

CARING ETHICS

CARING. Caring about others should guide our ethical decisions.

Caring Ethics centers around our positive emotional response to others. Caring Ethics calls attention to our emotional bonds, claiming that ethics should not be only about logical decisions. Feelings are not only relevant, they are often our best ethical guide.

In the Singer reading on caring you are presented with the standard view of caring ethics. The reading refers to the difference between partial/impartial

ethical theory. This discussion refers to the fact that Feminist Ethics of Care maintains that we should care for those closest to us. This theory singles out some people or some groups for special ethical attention. Singer notes that Feminist Ethics of Caring is criticized for being too partial, seeming to be a weak basis for ethics. I am designating the Feminist Ethics of Caring as **Weak Caring** because it is weak ethically. I am distinguishing this Weak Caring Theory from **Strong Caring**. Strong Caring is impartial, but there are no readings on the Internet or elsewhere that cover the distinction you will find in these notes between weak sense of caring and strong sense.

WEAK CARING

Weak Sense Of Caring -our relationships with others bring special commitments and regards.

We should care more for those closest to us and our actions can or should reflect this special caring. Those closest to us are family and friends. But closeness can be somewhat relative too. You are rarely if ever close to people you will never meet. However, you can have Internet relationships with people you will never meet in person, yet form a bond with them nonetheless. In business, you have a special relationship with customers, some of whom you will not meet. All of these relationships form a closeness that matters. Weak Caring maintains we should not ignore these relationships.

Another closely related feminist theory of caring is Communitarianism.

Communitarianism asserts that we need community and we have responsibilities to our community.

Caring Relationships with individuals and with our communities matter, and can outweigh rights and utility.

EXAMPLE-Should we feed children in distant countries and supply medicine to those children while neglecting our own children, either children in our own family or in our own country?. Most of the ethical theories we have covered make no provision for this kind of ethical consideration. For example, utilitarianism seeks to maximize benefit but makes no provision for where that benefit might be best served. Rights may recognize special duties to those closest to us, but gives no basis for those closest to us as having special rights. Likewise, virtues & Kantian ethics do not specify how we should treat special cases of caring relationships. Ethics of caring does pay attention to feelings and relationships.

Problem

There is a fine line between favoritism/prejudice and special commitments and regards for our caring relationships. For example, if we favor someone in the workplace because we have developed a strong connection (work-wise) with that

person, should we treat that person differently? If we do so, it seems like favoritism.

A more telling example would be to market a harmful product overseas in order to help our economy at home. Yes, it is important to recognize that how we treat people in our own community does matter, but the Strong Sense Of Caring I present below will not allow us, ethically, to dump harm onto strangers in order to help our own economy or our own community. Strong Caring, used in conjunction with Weak Caring, makes for an all-around solid ethical theory of Caring.

STRONG CARING

We should never ignore our natural sense of caring for others. Caring for others is the foundation for ethical principles and theories.

Refer back to notes on Kant, there we noted that the philosopher David Hume claimed that no facts about the world can tell us what we ought do. There is no bridge from is to ought

Recall also that the Kantian categorical imperative attempts to bridge the is-ought gap. Kant does so by noting the importance of rationality as definitive of humans. But are humans most definitive, ethically, as rational beings?

STRONG SENSE OF CARING, bridging is to ought

Let us take a philosophical, questioning stance regarding the theories we have examined thusfar

Why should people have rights?

Why should we want overall good for the world?

Why should people be treated fairly?

We believe people should have rights, and we are outraged at the stripping of rights because we care about other people.

We want to believe the world is moving to more overall good because we care

We are upset when others are not treated fairly because we care.

Caring for others is the foundation for ethical principles and theories.

EXAMPLE: we believe that people have the right to not be murdered because when someone is murdered, our hearts go out to them. We sympathize with the pain, the needs, and the lives of others.

We care about other human beings.

We need to care, and we need caring responses from others. This is a fact about human nature. Human infants who have no caring responses from others die.

From this fact we get what we ought do.

We ought to maximize happiness, observe rights and duties, because we care.

Caring is the center of our ethical sense. This ethically strong sense of caring is

impartial. We care for people we will never meet. This is obvious when we see disaster relief efforts around the globe. Human beings care about other human beings.

Individuals need caring relationships and they need communities, even in a state of nature.

But our caring varies: some care more, some less. Those who feel no such caring are missing the core of ethical value.

When it comes to strangers, we sympathize more for strangers who are most vulnerable, or most in need of caring from others.

Notice that Strong sense of caring does not face some of the problems that Utilitarianism faces. For example, our sense of caring tells us that sacrificing innocent people for the greater good is outrageous.

When you choose ethical theories to compare be careful not to use caring as one theory compared to virtue, since I notice some of you feel you must use what you have learned in previous classes, you might think this is okay. It is not. I have intentionally removed caring (benevolence or compassion) from the list of virtues, because I claim caring is the foundation of all ethics.

STRONG CARING ETHICS, SPECIAL USE

But if caring is the foundation of all ethics, then why should we bother with other ethical theories? Think of strong caring as that special natural sense that validates other theories. Each of the other theories find their place in response to the circumstances of humanity and the ways we approach decisions about real facts of real cases.

For example, Rights Theory gives us a way to grant humanity a sense of dignity and worth even in the face of victimization. Rights theory is a way to avoid always having to depend on the charitable nature of others. Utilitarianism is a way to rationally discuss issues of blatant victimization when the circumstances of the case do not make us feel like crying: victims are mistreated, but not horribly so. Reserve Strong Caring for those cases where you are truly outraged and, at the same time, feel very upset for the victims and their families. Other ethical theories serve as ways to be reasonable and articulate about ethical problems. Strong Caring fits best when people are truly suffering and we are outraged by the selfish treatment they have endured. Caring Theory is about human emotions, often about blatantly physical human emotions. It is a theory that stresses humans as social animals, on an emotional; physical, and even a chemical level; claiming ethics is based on our emotional and physical natures.

CARING ETHICS & TECHNOLOGY

Rarely do cases of technology apply well to caring ethics. Similar to the third Kantian test that deals with only using people, claiming someone does not care is the most damning ethical judgment one can make. To choose Caring as a theory,

mere lack of caution by companies will not suffice. You have to have strong reason to believe that a company or persons do not care about others involved in the case.

How do you decide to use Caring theory? If you hear of a case and you almost feel like crying because your heart goes out to the victims in the case, that would be a case where Caring Ethics fits best. Examples would be cases of child pornography, or FOXCONN, or cyber bullying causing victims to commit suicide. Medical technology cases often call for caring ethics, where companies risk patient lives and just do not care if patients die.

But for most technology cases, disregard of user communication needs is just not strong enough to claim the company does not care. Use a different theory.

ARGUMENT OUTLINE FOR CARING THEORY

When you apply CARING ETHICS, you must discuss both WEAK & STRONG CARING

1. **DEFINE CARING** Caring about others should guide our ethical decisions. Just copy/paste the definition.
2. State in a sentence whether Weak Caring is violated or not, & whether Strong Caring is violated or not.
3. **DEFINE WEAK CARING** Our relationships with others bring special commitments and regards. Just copy/paste the definition.
4. Describe all special relationships in this case: (customers, community, family, friends, etc.)
5. Explain any special commitments and regards these relationships should bring, a paragraph for each relationship.
6. Explain how these special regards are being met **or** being ignored .
7. Define other motivations, if any, that were used in the choice of action .
8. Explain why the value of a caring relationship here is more important than other motivations
9. **DEFINE STRONG CARING.** We should never ignore our natural sense of caring. Caring for others is the foundation for ethical principles and theories. Just copy/paste the definition.
10. Explain who suffers or could suffer by the actions in the case?
11. Describe our caring reaction to news of the case (emotional reaction)
12. Explain who is responsible (can be more than one party)
13. Explain if those who are responsible should be aware of suffering they are causing or could cause.
14. Describe how responsible parties reacted to situation
15. Define other motivations that were used in reaction (greed, etc.).
16. Explain why caring is more important than other motivations
17. Summarize which caring theory is most important. In cases where Weak Caring was violated and Strong Caring too, Weak Caring is usually most important: Not caring what

happens to others is bad, but it is especially bad when you do not care what happens to people who you know or who rely on you.

If weak caring is violated, then strong caring is often violated too. If the case is about how caring a company is, not violating strong caring at all, then discuss your approach with me before you write your analysis