ETHICS AND TECHNOLOGY

Ethical Issues in an Age of Information and Communication Technology

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CHAPTER

2

ETHICAL CONCEPTS AND ETHICAL THEORIES: ESTABLISHING AND JUSTIFYING A MORAL SYSTEM

In Chapter 1, we defined cyberethics as the study of moral issues involving cybertechnology. However, we have not yet defined what is meant by *ethics*, *morality*, and *the study of moral issues*. In Chapter 2 we define these terms as well as other foundational concepts, and we examine a set of ethical theories that will guide us in our deliberation on the specific cyberethics issues we confront in Chapters 4–11. To accomplish the objectives of Chapter 2, we provide answers to the following questions:

- What exactly is ethics, and how is it different from morality or a moral system?
- What are the elements that make up a moral system?
- Where do the rules in a moral system come from, and how are they justified?
- How is a philosophical study of morality different from studying morality from the perspectives of religion and law?
- Is morality essentially a personal, or private matter, or is it a public phenomenon?
- Is morality simply relative to particular cultures and thus culturally determined?
- How is meaningful dialogue about cyberethics issues that are global in scope possible in a world with diverse cultures and belief systems?
- What roles do classic and contemporary ethical theories play in the analysis of moral issues involving cybertechnology?
- Are traditional ethical theories adequate in the era of cybertechnology?

▶ 2.1 ETHICS AND MORALITY

Ethics is derived from the Greek *ethos*, and the term *morality* has its roots in the Latin *mores*. Both the Greek and Latin terms refer to notions of custom, habit, behavior, and character. Although "ethics" and "morality" are often used interchangeably in everyday discourse, we draw some important distinctions between the two terms as we will use them in this textbook. First, we define ethics as the study of morality. This definition, of course, raises two further questions:

a. What is *morality*?

b. What is *the study of morality*?

We have begun to answer question (b) in Chapter 1, where we described three approaches to cyberethics issues. You may want to review Section 1.4, which describes how moral issues can be studied from the perspectives of professional ethics, philosophical ethics, and descriptive ethics. We will say more about the study of morality from a philosophical perspective in Section 2.1.2.3. Now we begin by answering question (a).

2.1.1 What Is Morality?

There is no universally agreed upon definition of "morality" among ethicists and philosophers. For our purposes, however, *morality* can be defined as a system of rules for guiding human conduct, and principles for evaluating those rules. Note that (i) morality is a *system*; and (ii) it is a system comprised of moral *rules* and *principles*. Moral rules can be understood as rules of conduct, which are very similar to the notion of "policies," described in Chapter 1. There, policies were defined as rules of conduct that have a wide range of application. According to James Moor (1999), policies range from formal laws to "informal, implicit guidelines for actions."

There are two kinds of rules of conduct:

1. *Directives* that guide our conduct as individuals (at the microlevel)
2. *Social policies* framed at the macrolevel

Directives are rules that guide our individual actions and direct us in our moral choices at the "microethical" level (i.e., the level of individual behavior). "Do not steal" and "Do not harm others" are examples of directives. Other kinds of rules guide our conduct at the macrolevel (i.e., at the level of social policies and social norms).

Rules of conduct that operate at the "macroethical" level guide us in both framing and adhering to social policies. For example, rules such as "Proprietary software should not be duplicated without proper authorization," or "Software that can be used to invade the privacy of users should not be developed," are instances of social policies. Notice the correlation between the directive "Do not steal" (a rule of conduct at the microlevel), and the social policy "Unauthorized duplication of software should not be allowed" (a rule of conduct at the macrolevel). In Section 2.1.2 we will see that both types of rules of conduct are derived from a set of "core values" in a moral system.

The rules of conduct in a moral system are evaluated against standards called *principles*. For example, the principle of social utility, which is concerned with promoting the greatest good for the greatest number, can be used as the litmus test for determining whether

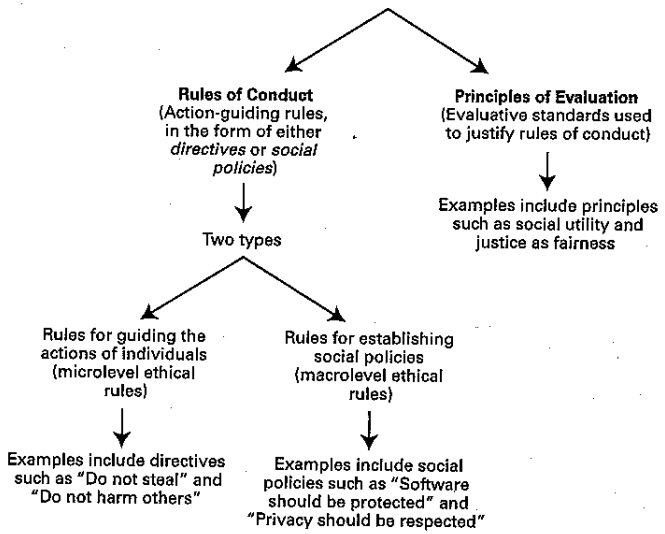

Figure 2-1 Basic Components of a Moral System

the policy "Proprietary software should not be copied without permission" can be justified on moral grounds. In this case, the policy in question can be justified by showing that not allowing the unauthorized copying of software will produce more overall social good than will a policy that permits software to be duplicated freely.

Similarly, the policy "Users should not have their privacy violated," might be justified by appealing to the same principle of social utility. Or a different principle such as "respect for persons" or possibly a principle based on the notion of fairness might be used to justify the social policy in question. Figure 2-1 illustrates the different kinds of rules and principles that comprise a moral system.

2.1.1.1 What Kind of a System Is a Moral System?

According to Bernard Gert (1998), morality is a "system whose purpose is to prevent harm and evils." Other ethicists, such as Louis Pojman (2001), have suggested that a moral system, in addition to preventing harm, should promote human flourishing. Although there is some disagreement regarding the extent to which the promotion of human flourishing is required of a moral system, virtually all ethicists believe that, at minimum, the fundamental purpose of a moral system is to prevent or alleviate harm and suffering. We have already seen that at the heart of a moral system are rules of conduct and principles of evaluation. We next consider some other characteristics that define a moral system.

Gert describes a moral system as one that is both public and informal. The system is *public*, he claims, because everyone must know what the rules are that define it. Gert uses the analogy of a game, which has a goal and a corresponding set of rules. The rules are understood by all of the players, and the players use the rules to guide their behavior in legitimately achieving the goal of the game. The players can also use the rules to evaluate or judge the behavior of other players in the game. However, there is one important difference between a moral system and a game: Not everyone is required to participate in a game, but we are all obligated to participate in a moral system.

Morality is also *informal* because, Gert points out, a moral system has no formal authoritative judges presiding over it. Unlike games in professional sports that have rules enforced by referees in a manner that approaches a legal system, morality is less formal. A moral system is more like a game of cards or like a pickup game in baseball or basketball. Here the players are aware of the rules, but even in the absence of a formal official or referee to enforce the game's rules, players generally adhere to them.

Gert's model of a moral system includes two additional features: *rationality* and *impartiality*. A moral system is rational in that it is based on principles of logical reason accessible to ordinary persons. Morality cannot involve special knowledge that can only be understood by privileged individuals or groups. The rules in a moral system must be available to all rational persons who, in turn, are *moral agents*, bound by the system of moral rules. We do not hold nonmoral agents (such as pets, young children, and mentally challenged persons) morally responsible for their own actions, but moral agents often have responsibilities to certain nonmoral agents.

A moral system is *impartial* in the sense that the moral rules are ideally designed to apply equitably to all participants in the system. In an ideal moral system, all rational persons are willing to accept the rules of the system, even if they do not know in advance what their particular place in that system will be. To ensure that impartiality will be built into a moral system, and that its members will be treated as fairly as possible, Gert (1998) invokes the "blindfold of justice" principle. Imagine that you are blindfolded while deciding what the rules of a moral system will be. Since you do not know in advance what position you will occupy in that system, it is in your own best interest to design a system in which everyone will be treated fairly. As an impartial observer who is also rational, you will want to ensure against the prospect of ending up in a group that is treated unfairly.

Table 2-1 summarizes four key features in Gert's model of a moral system.

TABLE 2-1 Four Features of Gert's Moral System

Public	Informal	Rational	Impartial
The rules are known to all of the members.	The rules are informal, not like formal laws in a legal system.	The system is based on principles of logical reason accessible to all its members.	The system is not partial to any one group or individual.

2.1.2 Deriving and Justifying the Rules of a Moral System

Thus far, we have defined morality as a system that is public, informal, rational, and impartial. We have also seen that at the heart of a moral system are rules for guiding the conduct of the members of the system. But where exactly do these rules come from? And what criteria can be used to ground or justify these rules? On the one hand, rules of conduct involving individual directives and social policies are justified by the system's evaluative standards, or principles. But how are those principles in turn justified?

Basically, rules of conduct for guiding action in the moral system, whether individual directives or social policies, are ultimately derived from certain core *values*. Principles for evaluating rules of conduct, on the other hand, are typically grounded in one of three systems or sources: religion, law, or (philosophical) ethics. Figure 2-2 illustrates how the rules and principles that comprise a moral system are derived and grounded.

We next describe the core values in a society from which the rules of conduct are derived.

2.1.2.1 Core Values and Their Role in a Moral System

The term *value* comes from the Latin *valere*, which means having worth or being of worth. Values are objects of our desires or interests; examples include happiness, love, and freedom. Pojman (2001) suggests that moral principles are ultimately derived from a society's system of values.

Philosophers often distinguish between two types of values, *intrinsic* and *instrumental*. Any value that serves some further end or good is called an instrumental value because it is tied to some external standard. Automobiles, computers, and money are examples of goods that have instrumental value. Values such as life and happiness, on the other hand, are *intrinsic* because they are valued for their own sake. Later in this chapter, we will see that utilitarians

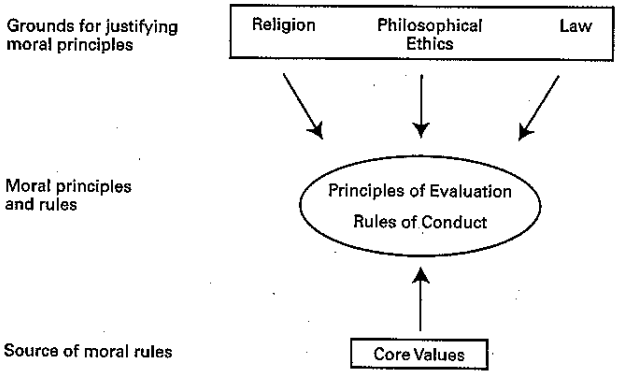

Figure 2-2 Components of a Moral System

argue that happiness is an intrinsic value. And in Chapter 5, we will see that some ethicists believe personal privacy is a value that has both intrinsic and instrumental attributes.

Another approach to cataloguing values is to distinguish *core values*, some of which may or may not also be intrinsic values, from other kinds of values. James Moor (1998), for example, believes that life, happiness, and autonomy are core values because they are basic to a society's thriving and perhaps even to its survival. Autonomy, Moor argues, is essentially a cluster of values that includes ability, security, knowledge, freedom, opportunity, and resources. Although core values might be basic to a society's flourishing, and possibly to that society's survival, it does not follow that each core value is also a moral value.

Sometimes descriptions of morals and values suggest that morals are identical to values. Values, however, can be either moral or nonmoral, and moral values need to be distinguished from the broader set of nonmoral values. Consider again the roles that rationality and impartiality play in a moral system. Rationality informs us that it is in our interest to promote values consistent with our own survival, happiness, and flourishing as individuals. When used to further only our own self-interests, these values are not necessarily moral values. Once we bring in the notion of impartiality, however, we begin to take the moral point of view. When we frame the rules of conduct in a moral system, we articulate one or more core moral values, such as autonomy, fairness, and justice. For example, the rule of conduct "Treat people fairly" is derived from the moral value of impartiality. And our moral values are, in turn, derived from certain core nonmoral values (see Figure 2-3).

2.1.2.2 Three Approaches for Grounding the Principles in a Moral System

We have seen how the rules of conduct in a moral system are derived from a society's core values. Now we will consider how the principles that are used to justify the rules of conduct are grounded. As we suggested in Section 2.1.2, the principles are grounded in one of three sources: religion, law, and philosophical ethics. We now consider how a particular moral principle can be justified from the vantage point of each scheme. As an illustration, we can use the rule of conduct "Do not steal," since it underpins many cyberethics controversies involving software piracy and intellectual property. Virtually every moral system includes at least one rule that explicitly condemns stealing. But why exactly is stealing morally wrong? This particular rule of conduct is evaluated against one or more principles such as "We should respect persons" or "We should not cause harm to others," but how are these principles, in turn, justified? The answer depends on whether we take the religious, the legal, or the ethical (philosophical) point of view.

Approach #1: Grounding Moral Principles in a Religious System

Consider the following rationale for why stealing is morally wrong:

> Stealing is wrong because it offends God or because it violates one of God's Ten Commandments.

Here the "moral wrongness" in the act of stealing is grounded in religion; stealing, in the Judeo-Christian tradition, is explicitly forbidden by one of the Ten Commandments. From the point of view of these particular institutionalized religions, then, stealing is wrong because it offends God or because it violates the commands of a divine authority. Furthermore, Christians generally believe that those who steal will be punished in the next life even if they are not caught and punished for their sins in the present life.

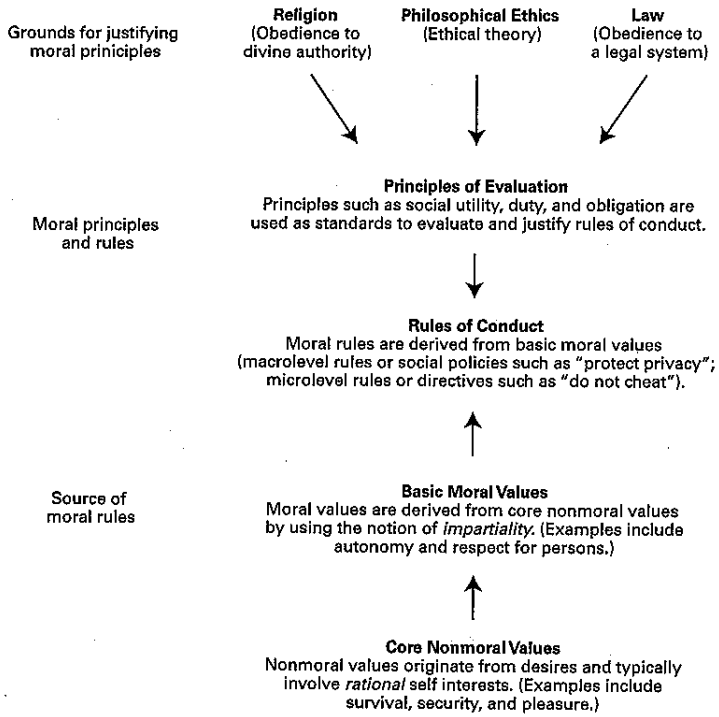

Figure 2-3 Components of a Moral System—An Expanded View

One difficulty in applying this rationale in the United States is that American society is pluralistic. While the United States was once a relatively homogeneous culture with roots in the Judeo-Christian tradition, American culture has in recent years become increasingly heterogeneous. People with different religious beliefs or with no religious beliefs at all can disagree with those whose moral beliefs are grounded solely on religious convictions. Because of these differences, many argue that we need to ground the rules and principles of a moral system in criteria other than those provided by organized religions. Some suggest that civil law can provide the foundation needed for a moral system to work.

Approach #2: Grounding Moral Principles in a Legal System

An alternative rationale to the one proposed in the preceding section is:

> Stealing is wrong because it violates the law.

One advantage of using law instead of religion as the ground for determining why stealing is wrong is that it eliminates certain kinds of disputes between religious and nonreligious persons and groups. If stealing violates the law of a particular jurisdiction, then the act of stealing can be declared wrong independent of any religious beliefs or disbeliefs—Christian, Muslim, or even agnostic or atheist. And since legal enforcement of rules can be carried out independent of religious beliefs, there is a pragmatic advantage to grounding moral principles (and their corresponding rules) in law rather than in religion: those breaking a civil law can be punished, for example, by either a fine or imprisonment, or both.

But laws are not uniform across political boundaries: Laws vary from nation to nation and state to state within a given nation. In the United States, the unauthorized copying and distribution of proprietary software is explicitly illegal. However, in certain Asian countries, the practice of copying proprietary software is not considered criminal (or even if it is technically viewed as a crime, actual cases of piracy may not be criminally prosecuted). So there can be a diversity of legal systems just as there is a diversity of religious systems.

Perhaps a more serious flaw in using a legal approach is that history has shown that certain laws, although widely accepted, institutionalized, and practiced within a society, have nonetheless been morally wrong. For example, slavery was legally valid in the United States until 1865. And in South Africa, apartheid was legally valid until 1991. So if we attempt to ground moral principles in law, we are still faced with serious challenges. Also, we can ask whether it is possible, or even desirable, to institutionalize morality such that we require specific laws for every possible moral issue?

Approach #3: Grounding Moral Principles in a Philosophical System of Ethics

A third way to approach the problem of how to ground moral systems is to say:

> Stealing is wrong because it is wrong.

Notice what this statement implies. The moral rightness or wrongness of stealing is not grounded in any external authority, theological or legal. So regardless of whether God condemns stealing or whether stealing violates existing civil laws, stealing is held to be wrong in itself. On what grounds can such a claim be made? Many philosophers and ethicists argue that reason alone is sufficient to show that stealing is wrong—reason informs us that there is something either in the very act of stealing or in the consequences of the act that makes stealing morally wrong.

In the case of both religion and law, sanctions in the form of punishments can be applied to deter individuals from stealing. In the first case, punishment for immoral behavior is relegated to the afterlife. And in the second case, punishment can be meted out here and now. In the case of philosophical ethics, sanctions take the form of social disapprobation (disapproval) and, possibly, social ostracism, but there is no punishment in a formal sense.

According to the system of philosophical ethics, stealing is morally wrong by criteria that reason alone is sufficient to determine. Of course, we need to specify what these criteria are; we will do this in Sections 2.4–2.7, where we discuss four kinds of ethical theories. Figure 2-3 summarizes the main elements and features of the moral system that we have examined in this section and expands the key features of Figure 2-2.

In Figure 2-3, arrows from both directions ultimately lead to "Rules of Conduct." Using the rules of conduct as our reference point, we see that they are derived from basic moral values, which in turn are derived from a set of core nonmoral values. With the rules of conduct still serving as our point of reference but moving in the opposite direction, we see that these rules are evaluated and justified by a set of moral principles. These moral principles, in turn, are grounded in criteria that are either legal, religious, or philosophical, or some combination of the three.

2.1.2.3 The Method of Philosophical Ethics: Logical Argumentation and Ethical Theory

In Chapter 1, we briefly described the philosophical method and saw how it could be used to analyze cyberethics issues. We also saw that the method philosophers use to analyze moral issues is normative, in contrast to the descriptive method that is used by social scientists. We saw that sociological and anthropological studies are descriptive because they describe or report how people in various cultures and groups behave with respect to the rules of a moral system. For example, a sociologist might report that people who live in nations along the Pacific Rim believe that it is morally permissible to make copies of proprietary software for personal use. However, it is one thing simply to report or describe what the members of a particular culture believe about a practice such as duplicating proprietary software, and it is something altogether different to say that people ought to be permitted to make copies of that proprietary material. When we inquire into moral issues from the latter perspective, we engage in a normative investigation.

In Section 2.1.2.2., we saw that normative analyses of morality can involve religion and law as well as philosophy. We also saw, however, that what separated philosophy from the other two perspectives of normative analysis was the methodology used to study the moral issues. To approach these issues from the perspective of philosophical ethics is, in effect, to engage in a philosophical study of morality.

If you are taking a course in ethics for the first time, you might wonder what is meant by the phrase "philosophical study." We have already described what is meant by a descriptive study, which is essentially a type of scientific study. Philosophical studies and scientific studies are similar in that they both require that a consistent methodological scheme be used to verify hypotheses and theories; and these verification schemes must satisfy criteria of rationality and impartiality. But philosophical studies differ from scientific studies in that whereas scientists typically conduct experiments in a laboratory to confirm or refute one or more hypotheses, philosophers have no physical laboratory to test ethical theories and claims. Instead philosophers confirm or reject the plausibility of a certain claim or thesis by testing it against the rules of logical argumentation (which we will examine in Chapter 3); these rules are both rational and impartial. Another important feature that distinguishes a philosophical study of morality from other kinds of normative investigation into morality is the use of ethical theory in the analysis and deliberation of the issues.

Ethicists vs. Moralists

We note that ethicists who study morality from the perspective of philosophical methodology, and who thus appeal to logical arguments to justify claims and positions involving morality, are very different from moralists. Moralists often claim to have all of the answers regarding moral questions and issues. Many moralists have been described as "preachy" and "judgmental." And some moralists may have a particular moral agenda to advance. Ethicists, on the other hand, use the philosophical method in analyzing and attempting to resolve moral issues; they must remain open to different sides of a dispute, and their primary focus is on the study of morality and the application of moral theories. As such, they approach moral issues and controversies by way of standards that are both rational (based on logic) and impartial (open to others to verify).

▶ 2.2 DISCUSSION STOPPERS AS ROADBLOCKS TO MORAL DISCOURSE

We have suggested that impartial and objective standards, such as those provided by ethical theory and logical argumentation, can be used in our analysis of moral issues. However, many people might be surprised that tests and standards of any kind can be applied to disputes about morality and moral issues. So before beginning our examination of ethical theory, perhaps we should first acknowledge and try to address some concerns that many people frequently encounter when either they willingly engage in, or find themselves involuntarily drawn into, discussions involving moral issues. We will see why these concerns are often based on some conceptual confusions about the nature of morality itself.

Have you ever been engaged in a serious conversation about a moral issue when, all of a sudden, one party in the discussion interjects with a remark to the effect, "But who's to say what is right or wrong anyway?" Or perhaps someone might interject, "Who are we to impose our values and ideas on others?" Such clichés are just two examples of the kinds of simplistic or nonreflective questions that we are likely to hear in discussions involving moral issues. I call remarks of this type "discussion stoppers" because often they close down prematurely what otherwise might be a useful discussion. These stoppers can take many different forms, and some are more common than others, but we can articulate them as four questions:

1. People disagree about morality, so how can we reach agreement on moral issues?
2. Who am I/who are we to judge others and to impose my/our values on them?
3. Isn't morality simply a private matter?
4. Isn't morality simply a matter that different cultures and groups should determine for themselves?

2.2.1 Discussion Stopper # 1: People Disagree on Solutions to Moral Issues

Because different people often have different beliefs as to the correct answer to many moral questions, some infer that there is no hope of reaching any kind of agreement on answers to *any* moral question. And from this inference, some conclude that any meaningful discourse about morality is impossible. Three crucial points that people who draw these and similar inferences about morality fail to recognize, however, are as follows:

i. Experts in other fields of study, such as science and mathematics, also disagree as to the correct answers to certain questions.

ii. There is common agreement as to answers to some moral questions.

iii. People do not always distinguish between disagreements about general principles and disagreements about factual matters in disputes involving morality.

We briefly examine each of these points.

2.2.1.1 Experts in Many Fields Disagree on Fundamental Issues

First, we should note that morality is not the only area in which intelligent people have disagreements. Scientists and mathematicians disagree among themselves about core issues in their disciplines, yet we do not dismiss the possibility of meaningful discourse in science and mathematics merely because there is some disagreement among experts in those fields. Consider also that computer scientists disagree among themselves whether open source code is better than proprietary code, whether Linux is a better operating system than Windows NT, or whether C++ is a better programming language than Java.

One example of how natural scientists can disagree among themselves is apparent in the contemporary debate in physics regarding the nature of light. Some physicists argue that light is ultimately composed of particles, whereas others claim that light is essentially composed of waves. Because physicists can disagree with each other, should we conclude that physics itself must be a totally arbitrary enterprise? Or, alternatively, is it not possible that certain kinds of disagreements among scientists might indeed be healthy for science? The debate about the nature of light has actually contributed to moving the field of physics forward in ways that it otherwise would not progress. In this sense, then, a certain level of disagreement and dispute among scientists is a positive and constructive function in the overall enterprise of scientific discovery. Similarly, why not assume that certain kinds of disagreements in ethics—that is, those that are based on points aimed at achieving constructive resolutions—actually contribute to progress in the field of ethics?

Also note that disagreement exists among contemporary mathematicians as to whether or not there is a greatest prime number. Because mathematicians disagree as to the validity of certain mathematical claims, does it follow that the field of mathematics itself is arbitrary? Does it also follow that we should give up any hope of eventually reaching agreement about basic truths in mathematics? And should we dismiss as arbitrary the theories of mathematics as well as the theories of physics, simply because there is some level of disagreement among scholars in both academic fields? Would it be reasonable to do so? If not, then why should ethics be dismissed merely because there is some disagreement among ethicists and among ordinary persons as to the correct answers to some moral issues?

Note that certain conditions (parameters, rules, etc.) must be satisfied in order for a particular claim or a particular theory to qualify as acceptable in debates among scientists and among mathematicians. We will see that certain rules and parameters must also be satisfied in order for a particular claim or theory to qualify as acceptable in debates among ethicists. Just as there are claims and theories in physics and in mathematics that are not considered plausible by the scientific and mathematical communities, similarly, not every claim or theory involving morality is considered reasonable by ethicists. Like mathematicians and scientists, ethicists continue to disagree with one another; for example, they will likely continue to debate about which ethical theories should be applied in the case of cloning and genomic

research. But like scientists and mathematicians, ethicists will continue to work within the constraints of certain acceptable rules and parameters in advancing their various theories.

2.2.1.2 Common Agreement on Some Moral Issues

We can now turn to our second point: People have demonstrated considerable agreement on answers to some moral questions, at least with respect to moral principles. We might be inclined to overlook the significant level of agreement regarding ethical principles, however, because we tend to associate moral issues with highly controversial concerns such as the death penalty, euthanasia, abortion, and cloning, all involving life and death decisions. We tend to forget that there are also many basic moral principles on which we do agree, for instance, nearly everyone believes that people should tell the truth, keep promises, respect their parents, and refrain from activities involving stealing and cheating. And most people agree that "Murder is wrong." It would be prudent for us to pay closer attention to our beliefs regarding these core moral principles in order to find out why there is such agreement.

So if we agree on many basic moral principles, such as our commonly held belief that murder is wrong and stealing is wrong, then why are moral issues generally considered to be so controversial and why is the study of morality believed to be so difficult? Beliefs and assumptions regarding morality may be based on certain conceptual confusions, and one source of confusion may be our failure to distinguish between the alleged factual matters and the general principles that constitute moral issues. This brings us to our third point.

2.2.1.3 Disagreements about Principles vs. Disagreements about Facts

Richard De George (1999) has pointed out that in analyzing moral issues we need to be very careful to distinguish our disagreements about moral principles from our disagreements about certain facts, or empirical data, associated with a particular moral issue. For example, in the current debate over intellectual property rights in cyberspace, the dispute is not so much about whether we should accept the moral principle that stealing is wrong, for parties on both sides of the debate would acknowledge that stealing is indeed morally wrong. What they disagree about is whether an activity that involves either the unauthorized copying of proprietary software or the unauthorized exchange of proprietary information over a computer network is itself a form of stealing. In other words, the debate is not about a moral principle, but rather has to do with certain empirical matters, or factual claims.

Recall our discussion of the Napster controversy in Chapter 1. It might turn out this particular controversy is not a moral dispute but rather a debate over factual claims. And once the factual questions are resolved, the Napster controversy might be understood as one that is, at bottom, nonmoral in nature. Being able to recognize these distinctions will help us to eliminate some of the confusion surrounding issues that initially are perceived to be moral but ultimately may turn out to be nonmoral, or descriptive.

2.2.2 Discussion Stopper # 2: Who Am I to Judge Others?

People are often uncomfortable with the prospect of having to evaluate the moral beliefs and practices of others. We generally feel that it is appropriate to *describe* the different moral beliefs that others have but that it is inappropriate to make *judgments* about the moral beliefs held by others. This assumption is problematic on two levels: First, as a matter of descriptive fact, we constantly judge others in the sense that we make certain evaluations about them.

And second, from a normative perspective, in certain cases we *should* make judgments (evaluations) about the beliefs and actions of others. We briefly examine both points.

2.2.2.1 Persons Making Judgments vs. Persons Being Judgmental

First, we need to make an important distinction between making a judgment about someone or something and being a judgmental person. Because someone makes a judgment, or evaluation, about X, it does not follow that he or she is also necessarily being a judgmental person. For example, a person can make the judgment "Linux is a better operating system than Windows NT" and yet not be a judgmental person. One can also judge that "Mary is a better computer programmer than Harry" without necessarily being judgmental about either Mary or Harry. Being judgmental is a behavioral trait exhibited by those who are strongly opinionated or who tend to speak disparagingly of anyone who holds a position on some topic that is different from their own. "Judging" in the sense "evaluating something," however, does not require that the person making the judgment be a judgmental person.

We routinely judge, or evaluate, others. We judge others whenever we decide who we will pursue as friends, as lovers, or as colleagues. Judging is an integral part of social interaction. Without judgment at this level, we would not be able to form close friendships, as opposed to mere acquaintances. And we would not be able to choose a spouse or to choose where we wish to live, work, recreate, and so forth.

2.2.2.2 Judgments Involving Condemnations vs. Judgments Involving Evaluations

Why do we tend to be so uncomfortable with the notion of judging others? Part of our discomfort may have to do with how we currently understand the term "judge." As we saw above, we need to be careful to separate the cognitive act of judging (i.e., making judgments about someone or something) from the behavioral trait of "being judgmental." Consider the biblical injunction that instructs individuals to refrain from judging others in the sense of condemning them. In that sense of "judge" there would seem to be much truth in the biblical injunction.

However, there is also another sense of "judge" that means "evaluate," which is something we are often required to do in our everyday lives. Consider some of the routine judgments, or evaluations, you make when deciding between competing options available to you in your day-to-day life. When you change jobs or purchase a house or an automobile, you make a judgment about which job, house, or automobile you believe best for your purposes. When you chose the particular college or university that you are attending, you evaluated that particular institution relative to others.

There are also people employed in professions that require them to make judgments. For example, professional sporting associations employ referees and field judges who make decisions or judgments concerning controversial plays. Judges evaluate contest entries to determine which entries are better than others. Think, for example, about the judging that typically occurs in selecting the winning photographs in a camera club contest. Or consider that when a supervisor writes a performance review for an employee, she is making a judgment about the employee's performance

2.2.2.3 Are We Ever Required to Make Judgments about Others?

It could be argued that just because we happen to make judgments about others, it doesn't necessarily follow that we ought to judge persons. However, there are certain occasions

when we are not only justified in making judgments about others, but we are also morally obligated to do so. Consider, for instance, that in many societies an individual selects the person that he or she will marry, judging (evaluating) whether the person he or she is considering will be a suitable lifelong partner in terms of plans, goals, aspirations, etc. In this case, failing to make such judgment would be not only imprudent but also, arguably, immoral. It would be immoral because, in failing to make the appropriate judgments, one would not be granting his or her prospective spouse the kind of consideration that he or she deserves.

Next consider an example involving child abuse. If you see an adult physically abusing a child in a public place by repeatedly kicking the child, can you not at least judge that the adult's behavior is morally wrong even if you are uncomfortable with making a negative judgment about that particular adult?

Also consider a basic human-rights violation. If you witness members of a community being denied basic human rights, should you not judge that community's practice as morally wrong? For example, if women in Afghanistan are denied education, medical treatment, and jobs solely on the grounds that they are women, is it wrong to make the judgment that such practices, as well as the system that permits those practices, are immoral?

So it would seem that some serious confusions exist with respect to two distinct situations: (1) someone making a judgment about X, and (2) someone being a judgmental person. With that distinction in mind, we can avoid being judgmental and yet still make moral judgments when appropriate, and especially when we are obligated to do so.

2.2.3 Discussion Stopper # 3: Morality Is Simply a Private Matter

Many people assume that morality is essentially personal in nature and must therefore be simply a private matter. Initially, such a view might seem reasonable, but it is actually both confused and problematic. In fact, "private morality" is essentially an oxymoron, or contradictory notion. For one thing, morality is a *public* phenomenon—recall our discussion of Gert's account of morality as a "public system" in Section 2.1.1, where we saw that a moral system includes a set of public rules that apply to all of the members of that system. Thus morality cannot be reduced to something that is simply private or personal.

We have already seen that morality is a system of normative rules and standards whose content is studied by ethicists in the same way that mathematicians study the content of the field of mathematics. Would it make sense to speak of personal mathematics, personal chemistry, or personal biology? Such notions sound absurd because each discipline has a content area and a set of standards and criteria, all of which are open and available to all to examine. Since public rules make up the content of a moral system, which itself can be studied, we can reasonably ask how it would make sense to speak of private morality.

If morality were simply a private matter, then it would follow that a study of morality could be reduced to a series of descriptive reports about the personal preferences or personal tastes of individuals and groups. But is such an account of morality adequate? Are the moral choices that we make nothing more than mere personal choices? If you happen to prefer chocolate ice cream and I prefer vanilla, or if you prefer to own a laptop computer and I prefer to own a desktop computer, we will probably not choose to debate these preferences. You may have strong personal beliefs as to why chocolate ice cream is better than vanilla and why laptop computers are superior to desktop computers; however, you will

most likely respect my preferences for vanilla ice cream and desktop computers, and, in turn, I will respect your preferences.

Do moral choices fit this same kind of model? Suppose you happen to believe that stealing is morally wrong, but I believe that stealing is okay (i.e., morally permissible). One day, I decide to steal your laptop computer. Do you have a right to complain? You would not, if morality is simply a private matter that reflects an individual's personal choices. Your personal preference may be not to steal, whereas my personal preference is for stealing. If morality is grounded simply in terms of the preferences that individuals happen to have, then it would follow that stealing *is* morally permissible for me but *is not* for you. But why stop with stealing? What if I happen to believe that killing human beings is okay?

You can probably see the dangerous implications for a system in which moral rules and standards are reducible to personal preferences and personal beliefs. The view that morality is private and personal can quickly lead to a position that some ethicists describe as *moral subjectivism*. According to this position, what is morally right or wrong can be determined by individuals themselves, so that morality would seem to be in the "eye of the beholder." Moral subjectivism makes pointless any attempt to engage in meaningful ethical dialogue.

2.2.4 Discussion Stopper # 4: Morality Is Simply a Matter for Individual Cultures to Decide

Some might assume that morality can best be understood not so much as a private or a personal matter but as something for groups or cultures to determine. According to this view, a moral system is dependent on, or relative to, a particular culture or group. Again, this view might initially seem quite reasonable; it is a position that many social scientists have found attractive. To understand some of the serious problems inherent in this position, it is useful to distinguish between *cultural relativism* and *moral relativism*.

2.2.4.1 Cultural Relativism

Cultures play a crucial role in the transmission of the values and principles that constitute a moral system. It is through culture that initial beliefs involving morality are transmitted to an individual. In this sense cultures provide their members with what ethicists often refer to as "customary morality," or conventional morality, where one's moral beliefs are typically nonreflective (or perhaps prereflective). For example, if asked whether you believe that acts such as pirating software or invading someone's privacy are wrong, you might simply reply that both kinds of behavior are wrong because your society taught you that they are wrong. However, is it sufficient for one to believe that these actions are morally wrong merely *because* his or her culture says they are wrong? Imagine, for example, a culture in which the principle "Murder is wrong" is not transmitted to its members. Does it follow that murdering people would be morally permissible for the members of that culture?

The belief that morality is simply a matter for individual cultures to decide is widespread in our contemporary popular culture. This view is often referred to as *cultural relativism*, and at its base is the following assumption:

A Different cultures have different beliefs about what constitutes morally right and wrong behavior.

Note that this assumption is essentially descriptive in nature. Although it is generally accepted that different groups have different conceptions about what is morally right and morally wrong behavior, this position has been challenged by social scientists who argue that the reported differences between cultures are greatly exaggerated. Other social scientists suggest that all cultures may possess certain universal core moral values. However, let us assume that claim (A) is true. Would it logically imply the following?

B What is morally right or wrong for members of a culture or group can be determined only by that culture or group.

Note that (B), unlike (A), is a normative claim. Also note that to move from (A) to (B) is to move from cultural relativism to *moral relativism*.

2.2.4.2 Moral Relativism

What are the differences between the two forms of relativism? Moral relativism asserts that no universal standard of morality is possible, because different people have different beliefs about what is right and wrong. From this inference, relativists further suggest that, in matters of morality, anything goes. But this reasoning is problematic because it is essentially incoherent and inconsistent. For example, does it follow that individuals who reside outside a particular culture can never make any judgments about the behavior of those who live within that culture? In many cultures and tribes in West Africa a ritual of female circumcision is still practiced. Although this practice has been a tradition for generations, some females living in tribes that still perform it on teenage girls have objected. Let us assume, however, that the majority of members of cultures that practice female circumcision approve it. Would it be inappropriate for those who lived outside of West Africa to claim that the treatment of young women in those tribes is morally wrong? And if so, is it inappropriate (perhaps even morally wrong) to question the practice simply because the persons raising such questions are not members of the particular culture? If we embrace that line of reasoning, does it follow that a culture can devise any moral scheme it wishes as long as the majority of its members approve it? Is moral relativism a plausible thesis? It is even coherent? Perhaps the following scenario can help us to see the flawed reasoning in relativism.

▶ **SCENARIO:** Moral Relativism

Imagine that there are two cultures, Culture A and Culture B, that adjoin each other geographically. The members of Culture A are fairly peaceful people, tolerant of the diverse beliefs found in all other cultures. And they believe that cultures should essentially mind their own business when it comes to matters involving morality. Those in Culture B, on the other hand, dislike and are hostile to those outside their culture. Further imagine that the leaders of Culture B have developed a new computer system for delivering chemical weapons that will be used in military attacks on other cultures, including Culture A. What recourse does Culture A have in this case?

Since Culture A has taken a relativist position, it must be tolerant of all of Culture B's actions, as it would in the case of all cultures. Furthermore, Culture A cannot condemn the actions of Culture B, since on the relativist's view, moral judgments about Culture B can only be made by those who reside in that particular culture. So, Culture A cannot say that Culture B's actions are morally wrong.

TABLE 2-2 Summary of Logical Flaws in the Discussion Stoppers

Stopper #1	Stopper #2	Stopper #3	Stopper #4
People disagree on solutions to moral issues.	*Who am I to judge others?*	*Ethics is simply a private matter.*	*Morality is simply a matter for individual cultures to decide.*
1. Fails to recognize that experts in many areas disagree on key issues in their fields.	1. Fails to distinguish between the act of judging and being a judgmental person.	1. Fails to recognize that morality is essentially a public system.	1. Fails to distinguish between descriptive and normative claims about morality.
2. Fails to recognize that there are many moral issues on which people agree.	2. Fails to distinguish between judging as condemning and judging as evaluating.	2. Fails to note that personally-based morality can cause major harm to others.	2. Assumes that people can never reach common agreement on some moral principles.
3. Fails to distinguish between disagreements about principles and disagreements about facts.	3. Fails to recognize that sometimes we are required to make judgments.	3. Confuses moral choices with individual or personal preferences.	3. Assumes that a system is moral because a majority in a culture decides it is moral.

Moral relativists can say only that Cultures A and B are different. They cannot say that one is better than another, or that one is morally right while the other is morally wrong. Consider that while the systems for treating Jews used by the Nazis and by the British in the 1940s were clearly different, relativists could not say, with any sense of logical consistency, that one system was better than another. In the same way, Culture B cannot be judged by Culture A to be morally wrong even though Culture B wishes to destroy A and to kill all of its members. Perhaps you can see that there is a price to pay for being a moral relativist. Is that price worth paying?

Although moral relativism might initially seem attractive as an ethical position, we can now see why it is conceptually flawed. To debate moral issues, we need a conceptual and methodological framework that can provide us with impartial and objective criteria to guide us in our deliberations. Otherwise, ethical debate might quickly reduce to a shouting match in which those with the loudest voices or, perhaps worse yet, those with the biggest sticks win the day. Fortunately, ethical theory will provide us criteria that we can use to avoid the problems introduced by moral relativism. Before proceeding directly to our discussion of ethical theories, however, it would be useful to summarize some of the key points in our analysis of the four discussion stoppers. Table 2-2 summarizes these points.

▶ 2.3 WHY DO WE NEED ETHICAL THEORIES?

In our analysis of the four discussion stoppers, we saw some of the obstacles that we encounter when we debate moral issues. Fortunately, there are ethical theories that can guide us in our analysis of moral issues involving cybertechnology. But why do we need something as formal as ethical theory? Perhaps there are simpler, alternative schemes that we can use in our moral deliberations. For example, why not simply follow the Golden Rule or one's own conscience? Both of these rules of thumb seem like reasonable alternatives to