ILLINOIS TECH | College of Computing

ITMM 485 / 585
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Legal and Ethical Issues in Information Technology

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Ch2: Ethical Concepts and Theories
P4: Four Types of Ethical Theories

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Upon completion of this Section the students should be able to:

➢ Articulate why we need Ethical Theories
➢ State the key requirements for a sound ethical theory
➢ Compare and contrast the four key types of ethical theories

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The Structure of Ethical Theories

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

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The Structure of Ethical Theories (Continued)

➢ To be *coherent*, the individual elements of the theory must fit together to form a unified.
➢ For a theory to be *consistent*, its component parts cannot contradict each other.
➢ To be *comprehensive*, a theory must be able to apply broadly to a wide range of actions.
➢ And to be *systematic*, the theory cannot simply address individual symptoms peculiar to specific cases, while ignoring general principles that would apply in similar cases.

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Why Do we Need Ethical Theories?

➢ Ethical theories can help us to avoid inconsistent reasoning in our thinking about moral issues and moral dilemmas.
➢ Recall again Scenario 2-1 (in the textbook), but now imagine a variation of it in which victims of the trolley accident are taken to the hospital and only limited resources are available to the accident victims.
➢ Which moral principle would you use in deciding who receives medical assistance and who does not?
➢ Can you also apply that principal consistently across similar cases?

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Four Kinds of Ethical Theories

For our purposes, we organize ethical theories into four broad categories:

➢ Consequence-based,
➢ Duty-based,
➢ Contract-based,
➢ Character-based.

Consequence-based Ethical Theories

➢ Some argue that the primary goal of a moral system is to produce desirable consequences or outcomes for its members.
➢ On this view, the consequences (i.e., the ends achieved) of actions and policies that provide the ultimate standard against which moral decisions must be evaluated.
➢ So if choosing between acts A *or* B, the morally correct action will be the one that produces the most desirable outcome.

Consequence-based Theories (Continued)

➢ In determining the best outcome, we can ask the question, *whose outcome*?
➢ *Utilitarians* argue that it is the consequences of the greatest number of individuals, or the majority, in a given society that deserve consideration in moral deliberation.

Consequence-based Theories: (Utilitarianism Continued)

➢ According to the utilitarian theory:

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

Consequence-based Theories: (Utilitarianism Continued)

➢ Utilitarians draw on two key points in defending their theory:
I. the principle of social utility should be used to determine morality;
II. social utility can be measured by the amount of happiness produced for society as a whole.

Utilitarianism (continued)

➢ Utilitarians such as Jeremy Bentham assume:
a) all people desire happiness;
b) happiness is an intrinsic good that is desired for its own sake.

Utilitarianism (continued)

➢ According to John Stuart Mill:

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

Act Utilitarianism

According to act utilitarians:

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

Criticism of Act Utilitarianism

➢ Utilianiarism's critics reject the emphasis on the consequence of individual acts.

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

➢ Instead, they argue that we are inclined to deliberate on the basis of certain principles or general rules that guide our behavior.

Criticism of Act Utilitarianism (continued)

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

➢ Each time that you enter a store, do you ask yourself the following question: "Shall I steal item X at this particular time?"

➢ Or, have you already formulated certain general principles that guide your individual actions, such as a principle to the effect: "It is never morally permissible to steal."

Rule Utilitarianism

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

➢ According to *rule utilitarianism*:

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

Criticism of Rule Utilitarianism

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

I. morality is ultimately tied to happiness or pleasure;

II. morality can ultimately be determined by consequences (of either acts or policies).

➢ Critics of utilitarianism ague that morality can be grounded neither in consequences nor in happiness.

Duty-based Ethical Theories

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

➤ For Kant, morality can never be grounded in the consequences of human actions.

➤ Thus, in Kant's view, morality has nothing to do with the promotion of happiness or the achievement of desirable consequences.

Duty-based Ethical Theories (Continued)

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

➤ For example, he points out that, in some instances, performing our duties may result in our being unhappy and may not necessarily lead to consequences that are considered desirable.

➤ Theories in which the notion of duty, or obligation, serve a foundation for morality are called ==*deontological*== theories.

➤ They derive their meaning from the Greek root *deon*, which means duty.

Duty-based Ethical Theories (Continued)

Kant defends his ethical theory on the grounds that:

1) humans are rational, autonomous agents;

2) human beings are ends-in-themselves, and not means to ends.

Rule Deontology

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

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

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

Rule Deontology (Continued)

➤ Another variation of the Categorical Imperative can be paraphrased as:

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

Categorical Imperative

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

➤ It would be a system based on two essential principles:

i. *universality*,

ii. *impartiality*.

➤ In such as system, every individual would be treated fairly since the same rules would apply *universally* to all persons.

Criticisms of Rule Deontology

➤ Kant's categorical imperative has been criticized because it cannot help us in cases where we have two or more conflicting duties.
➤ For example, we have duties to both keep promises and to tell the truth, and sometimes we encounter situations in which we are required *either* to:
a) tell the truth and break a promise *or*
b) to keep a promise and tell a lie.
➤ But Kant does not provide us with a mechanism for resolving such conflicts.

Act Deontology

➤ David Ross argues that when two or more moral duties clash, we have to look at the individual situation (or "circumstance") to determine which duty is overriding.
➤ Like act utilitarians, Ross stresses the importance of analyzing individual actions and situations to determine the morally appropriate course of action to take.
➤ Unlike utilitarians, Ross believes that we must not consider the consequences of actions when deliberating over which course of action morally trumps or outweighs another.

Act Deontology (Continued)

➤ Like Kant (and deontologists in general), Ross believes that the notion of duty is ultimate criterion for determining morality.
➤ Unlike Kant, however, Ross does not believe that blind adherence to certain maxims or rules can work in every case for determining which duties we must ultimately carry out.

Act Deontology (Continued)

➤ Ross believes that we have certain *prima facie* (or self-evident) duties which, "all things being equal," we must follow.
➤ He provides a list of prima facie duties such as honesty, benevolence, justice, etc.
➤ For example, we have a prima facie duty not to lie and a prima facie duty to keep a promise.
➤ If there are no conflicts in a given situation, then each prima facie duty is also an *actual duty*.

Act Deontology (Continued)

➤ Ross believes that we can determine what our overriding duty is in a particular situation by using a two-step deliberative process, in which we:
a) reflect on the competing prima facie duties,
b) weigh the evidence at hand to determine which course of action would be required in a particular circumstance.

Contract-based Ethical Theories

➤ From the perspective of social-contract theory, a moral system comes into being by virtue of certain contractual agreements between individuals.
➤ One of the earliest versions of a contract-based ethical theory can be found in the writings of Thomas Hobbes.

Contract-based Ethical Theories (Continued)

➤ One virtue of the social-contract model is that it gives us a motivation for being moral.
➤ For example, it is in our individual self-interest to develop a moral system with rules (Pojman 2006).
➤ This type of motivation for establishing a moral system is absent in both the utilitarian or deontological theories.
➤ So a contract-based ethical theory would seem to have one advantage over both.

Criticisms of Social Contract Theory

➤ Critics point out that social-contract theory provides for only a minimalist morality.
➤ For example, it is minimalist in the sense that we are obligated to behave morally only where an explicit or formal contract exists (Pojman 2006).
➤ So if I have no express contract with you, or if a country like the U.S. has no explicit contract with a developing nation, there is no moral obligation for me to help you, or no obligation for the U.S. to come to the aid of that developing nation.

Criticism of Social Contract Theory (Continued)

➤ We can think of many situations involving morality where there are no express contracts or explicit laws describing our obligations to each other.
➤ Most of us also believe that in at least some of these cases, we are morally obligated to help others when it is in our power to do so.
➤ Consider the classic case involving Kitty Genovese in New York in the 1960s.

Criticism of Social Contract Theory (Continued)

➤ Philosophers differentiate between two kinds of legal rights:
  ❖ *positive rights*,
  ❖ *negative rights.*
➤ Having a negative right to something means simply that one has the right not to be interfered with in carrying out the privileges associated with that right.
➤ For example, your right to vote and your right to own a computer are both negative rights.

Positive vs. Negative Rights

➤ The holder of a negative right has the right (and the expectation) not to be interfered with in exercising that right – e.g., the right to vote in a particular election or the right to purchase a computer.
➤ As the holder of these rights, you cannot demand (or even expect) that others must either physically transport you to the voting polls, or provide you with a computer if you cannot afford to purchase one.

Positive and Negative Rights (Continued)

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

Character-based Ethical Theories

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

➢ Virtue ethics focuses on criteria having to do with the character development of individuals and their acquisition of good character traits from the kinds of habits they develop.

Character-based Ethical Theory (continued)

➢ Virtue ethics can be traced back to Plato and Aristotle.

➢ On this view, becoming an ethical person requires more than simply memorizing and deliberating on certain kinds of rules.

➢ What is also needed, in Aristotle view, is that people develop certain *virtues*.

➢ Aristotle believed that to be a moral person, one had to acquire the right virtues (strengths or excellences).

Character-based Ethical Theories (Continued)

➢ Aristotle believed that through the proper training and acquisition of "good habits" and good character traits, one could achieve moral virtues, such as temperance, courage, and so forth, that are need to "live well."

➢ According to Aristotle, a moral person is one who is necessarily *disposed* to do the right thing.

Character-based Ethical Theories (Continued)

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

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

➢ While deontological and utilitarian theories are "action-oriented" and "rule-oriented," virtue ethics is "agent-oriented" because it is centered on the agent him/herself.

Criticism of Character-based Ethical Theories

➢ Character-based ethical systems tend to flourish in cultures where there is a greater emphasis placed on community life than on individuals.

➢ In the West, since the Enlightenment, more emphasis has been placed on the importance of individual autonomy and individual rights.

➢ In the Ancient Greek world of Aristotle's time, the notion of community was paramount.

Table 2-3: Four Types of Ethical Theory

Type of Theory	Advantages	Disadvantages
Consequence-based (Utilitarian)	Stresses promotion of happiness and utility	Ignores concerns of justice for the minority population
Duty-based (Deontology)	Stresses the role of duty and respect for persons	Underestimates the importance of happiness and social utility
Contract-based (Rights)	Provides a motivation for morality	Offers only a minimal morality
Character-based (Virtue)	Stresses moral development and moral education	Depends on homogeneous community standards for morality

Can a Comprehensive Ethical Theory Be Framed to Combine Two or More Traditional Theories?

➢ Some Ethicists have tried to combine aspects of two more theories, such as consequentialism and deontology.

➢ Moor (2004) has devised a framework called "Just Consequentialism" that incorporates aspects of:

a) deontology (justice),

b) utilitarianism (consequences).

James Moor's Ethical Framework of *Just Consequentialism*: A Two-Step Strategy

1. *Deliberate* over various policies from an impartial point of view to determine whether they meet the criteria for being ethical policies. A policy is ethical if it:

    a. does not cause any unnecessary harms to individual groups

    b. supports individual rights, the fulfilling of duties, etc.

2. *Select* the best policy from the set of just policies arrived at the deliberation stage by ranking ethical policies in terms of benefits and justifiable (harms). In doing this, be sure to:

    a. weigh carefully between the good consequences and the bad consequences in the ethical policies and

    b. distinguish between disagreements about facts and disagreements about principles and values, when deciding which particular ethical policy should be adopted.

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