

Session 3 – Duty ethics

Autonomy and Individual Rights

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Previously, in Ethics...

- Analyzed leadership challenges
- **Theranos:** misrepresenting facts, bullying, coercive tactics to suppress dissent
 - Leaders design incentives and must guard from “evil traps”
- **Ziqitza:** path of least resistance is to give in to extortionary demands, reinforcing bad social equilibrium
 - Strong leader takes up challenge of promoting broader change

Today

- Introduce alternative to welfare ethics – **duty ethics**
 - Apply ideas to cases involving sexual harassment
 - More broadly applicable to other asymmetries
- Analyze **coercion** as archetype
- Discuss importance and limits of **consent**

A famous scenario:

Red Harvest

- A surgeon has five patients in need of (different) organ transplants. Unless transplanted immediately, they will die. If transplanted, they will live healthy lives.
- An unsuspecting healthy person walks in the hospital. The person is a “match” for all five patients.
- Should the surgeon capture the person, harvest the needed organs, and save five patients at the cost of sacrificing one person?

A famous scenario:

Red Harvest

- Should the surgeon capture the person, harvest the needed organs, and save five patients at the cost of sacrificing one person?

A: Harvest

B: Do not harvest

Red Harvest, Omelas: Key tension

- Striving for good **consequences**, welfare for as many as possible (utilitarianism)

VS

- Protecting **basic rights**
 - Self-ownership and personal **autonomy**
 - E.g., Universal Declaration of Human Rights article 3: “Everyone has the right to life, liberty and security of person.”

Ends vs. means

Deontologists
(e.g., duty ethics)

*Actions have only
Intrinsic Value*

MOTIVES



ACTIONS

ACTIONS



CONSEQUENCES

Consequentialists
(e.g., Utilitarian)

*Actions have only
Extrinsic Value*

A small digression



Labskaus
("Luppscows")

Foundations of duty ethics

- Moral worth comes from a good motive – to **rationally** act out of **free will** to follow a moral law
 - **Autonomy**: use free will to choose and follow moral law
- But what *is* the **right** moral law?
 - A law that enables us to step outside our individual desires and act in an impartial and universalizable way

The Categorical Imperative

1. The principle of Universal Law



- Act only according to that maxim whereby you can at the same time will that it should become a universal law.

2. The principle of Humanity

- Treat others *never merely as means* but always at the same time as *ends* in themselves
- The CI implies *intrinsic rights* and associated duties
 - Personal autonomy and human dignity must be respected
 - No coercion, no expropriation

Applying the categorical imperative

1. Universal Law Test

- State the maxim: do X under conditions C to achieve Y
- Universalize the maxim: everyone does X under C to achieve Y
- Contradiction tests
 - i. **Logical**: could the maxim conceivably be universalized, or do you reach a contradiction?
 - ii. **In will**: could universalization of maxim contradict the motives of individual maxim?

2. Principle of Humanity Test

- State the maxim
- Consent test: does the maxim involve a person in a scheme of action to which they could not in principle consent?

Example: false promises

- You need money and take out a loan, promising to repay but knowing you won't. Is this ethical?

1. Universal Law Test:

- Maxim: I make myself better off by falsely promising to repay a loan
- Logic: if universalized, the “promise” becomes meaningless, and you could not consider this maxim in the first place
- Will: you could not will a world with false promises - you would never be able to borrow money, nor trust others, making yourself worse off

2. Principle of Humanity Test:

- Lender could not in principle consent b/c they don't know the “real deal”
- You are thus treating the lender as a “mere means”

Categorical Imperative vs Rule Utilitarianism

- Commonality: Both ask, “what if everybody did this?”
- But then...
 - Rule Utilitarian focuses on **consequence** – *would it maximize welfare?*
 - Categorical Imperative focuses on the **motive**
 - *Could I will this as a universal law – or do we get a contradiction?*
 - *Does this treat others as a mere means?*
- Example of difference:
 - Rule Utilitarian could find “Omelas” permissible, whereas the Categorical Imperative would not (violation of Principle of Humanity)

Relationship to the Golden Rule

“What you do not want done to yourself,
do not do to others” – Confucius

“Do unto others as you would have them
do unto you” – New Testament

“Hurt not others in ways that you yourself
would find hurtful” – Buddhism

“Do not to others what ye do not wish
done to yourself...” – Hinduism

“What is hateful to you, do not do to your
neighbor” – Judaism

“No one of you is a believer until you desire for
another that which you desire for yourself.” – Islam

Key difference: CI insists on informed consent (e.g., telling the “white lie”)

Key “test” questions for cases

- Do actions conform to a universalizable rule?
- Is someone being used as a means rather than respected as an end?
- Are principles for action impartial or self-serving?
- Is someone being coerced?

Discrimination and harassment – going deeper than the law

- Discrimination now outlawed
 - Sexual harassment a form of employment discrimination prohibited under Title VII of the Civil Rights Act of 1964
- But still, plenty of gray area:
 - Actions that seem wrong may be legal
 - Actions that seem right may be illegal
- **Ethical frameworks provide further guidance**

Before we start

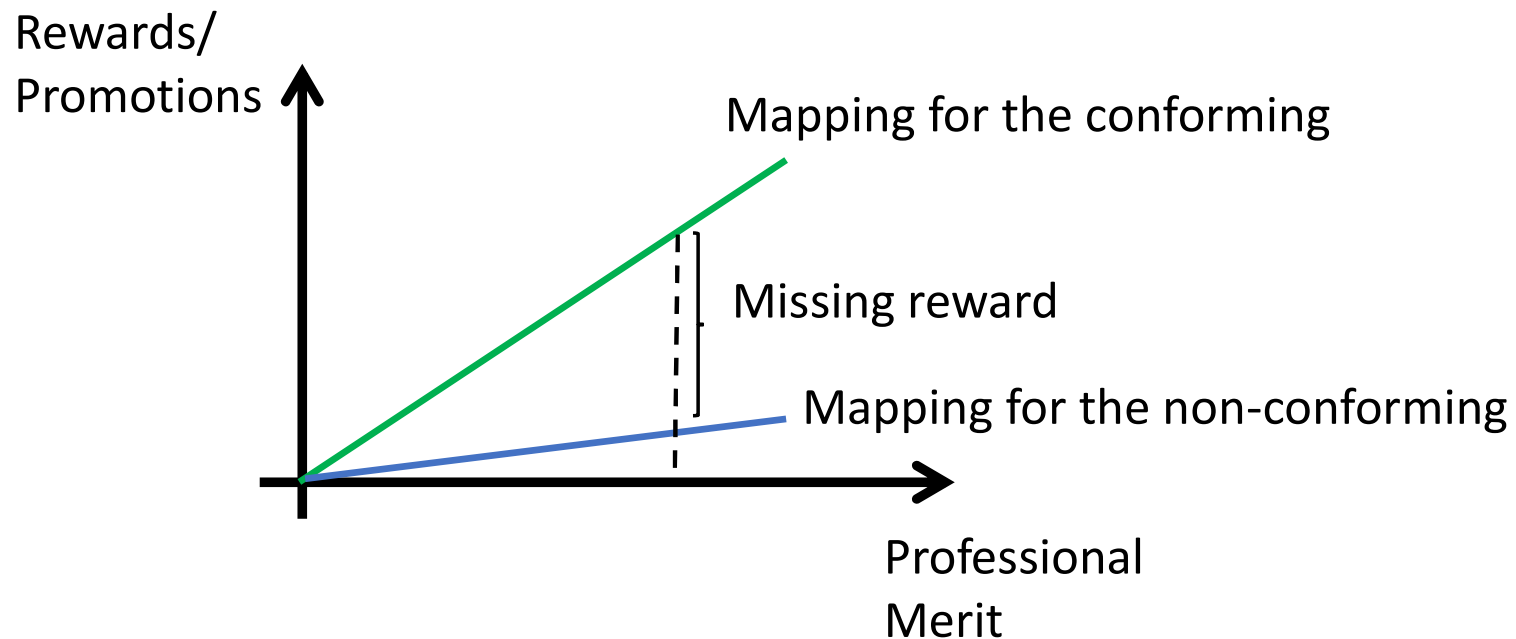
- Sexual harassment and workplace discrimination are difficult topics
 - Many of us have experienced this in one form or another
 - Frequent mention in personal dilemmas (assignment 1b)
- These are serious issues – that's why it's important to have a conversation
 - Remember the 4 C's, especially courtesy and courage

“Dirty Dancing”

- Facts?
- Is it wrong to have celebrations in “men’s clubs”?
 - Discuss in pairs
- Utilitarian take – act and rule
 - Differences?
- View from Duty Ethics?

Celebrations in case

- Exclusionary celebrations distort merit-reward relationship – and thereby expropriate



Celebrations, viewed from the CI

- **Expropriation:** non-conforming excluded from part of the “reward” (e.g., bonding) from group achievements
 - Cannot in principle consent to this (Violation of Principle of Humanity)
- **Objectification:** non-conforming lose control of how they are viewed/treated professionally
 - Cannot in principle consent to this (Violation of Principle of Humanity)
- **Universalizability?**
 - Maxim: I will have exclusionary celebrations to enhance my wellbeing
 - Will contradiction: Likely times when I am in excluded group (non-conforming) and this lowers my wellbeing

Comparing frameworks




- **Act Utilitarian:** permissible if net gain from such activities offset loss from the minority
- **Rule Utilitarian:** negative consequences likely to be magnified – impact on recruitment, retention, and mis-allocation of talent
- **Categorical Imperative:**
 - Expropriation – fails Principle of Humanity
 - Objectification – fails Principle of Humanity
 - Fails to universalize – contradiction in will

Countering exclusionary culture

- Employer does not own employees' free time, cannot tell them how to spend their money
 - Any policy remedies?
- **Crowd-out as a solution:** employer can sponsor celebrations of work-related achievements to make private, exclusionary celebrations less appealing

Tools: The Values Scorecard

- Ethics is not about being wedded to one principle
- Taken together, ethical frameworks highlight which strategies fail all criteria, only some, or none
- A tool we will use: the [Values Scorecard](#)

	Act Utilitarian	Rule Utilitarian	Duty Ethics
Non-inclusive celebrations	✓ / 		
Employer sponsored work-related celebrations	✓	✓	✓

Case: Too much drinking?

- Facts?
- Has Michelle Maigny done anything wrong?

Applying frameworks

- **Utilitarian perspective:**

- Maigny (+)
- Putzkammer (-)
- Coworkers (-), negative externality
- Likely to be **negative**, even more so under Rule U

- **Duty ethics perspective:**

- Key question: was the Maigny-Putzkammer liaison consensual?

Pop quiz – “Too much drinking?”

- Jonathan Putzkammer tells Mr. Fay that he was forced to do something against his will
- A: True
- B: False

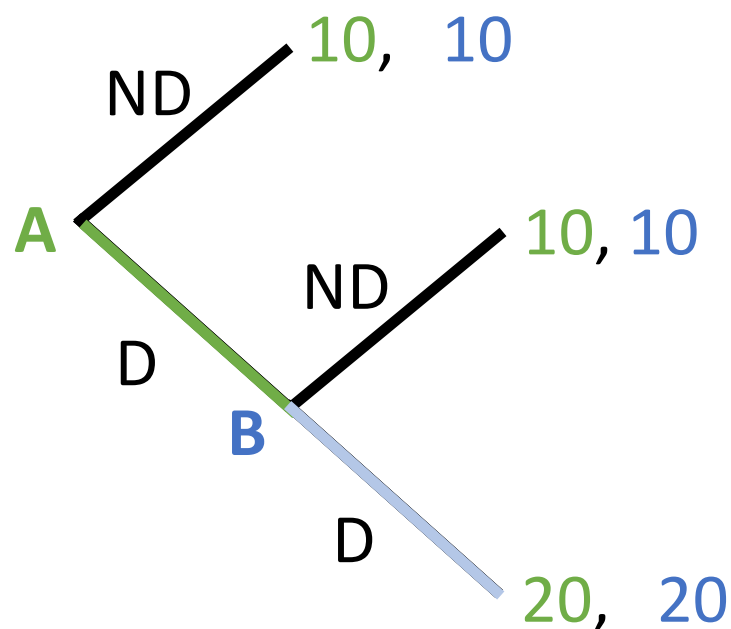
Pop quiz – Too much drinking?

- Jonathan Putzkammer tells Mr. Fay that he was forced to do something against his will
- A: True
- B: **False**

“Mr. Fay, please don’t misunderstand me. I cannot say that I did something against my will.”

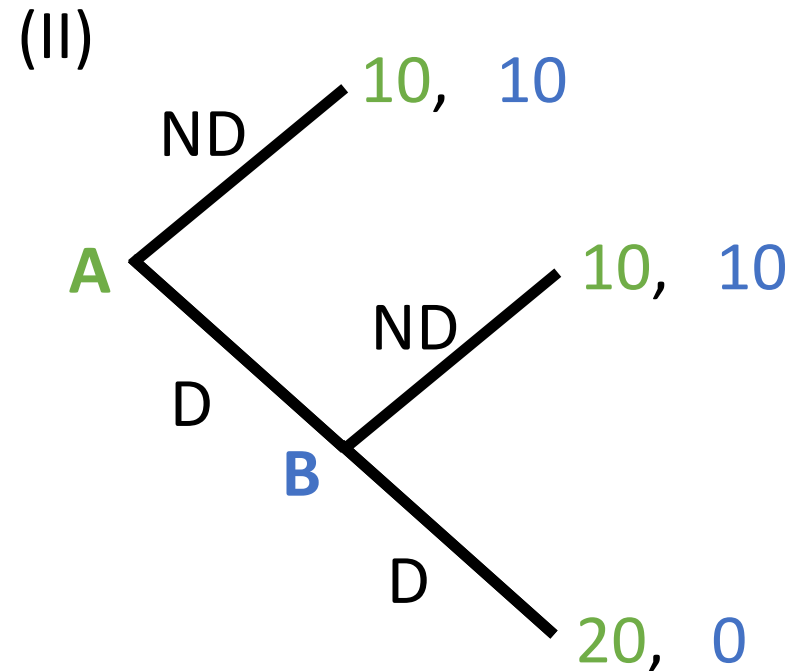
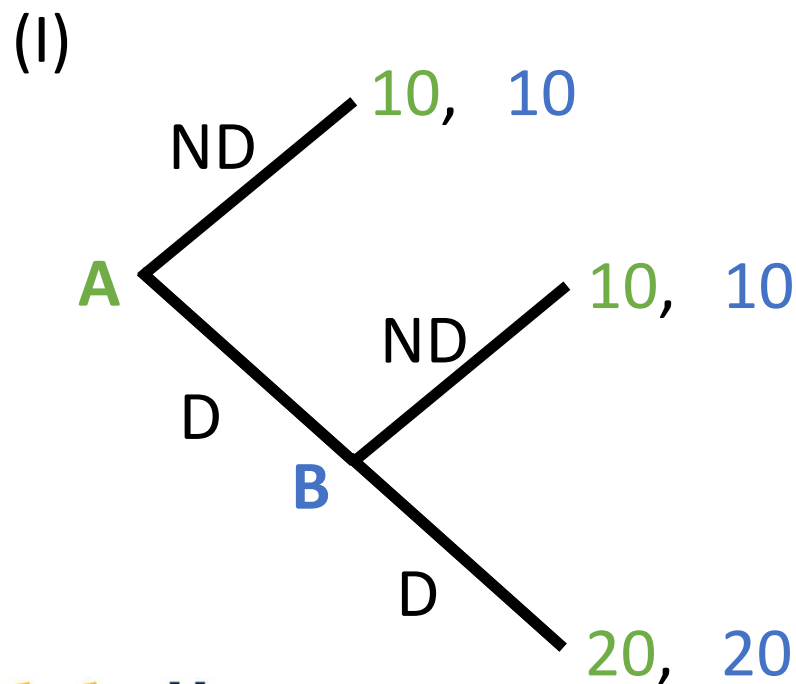
Normal transactions

- Extensive form “let’s make a deal” game
- Players A, B
- Actions
 - Deal (D) (or Drinks)
 - No Deal (ND)



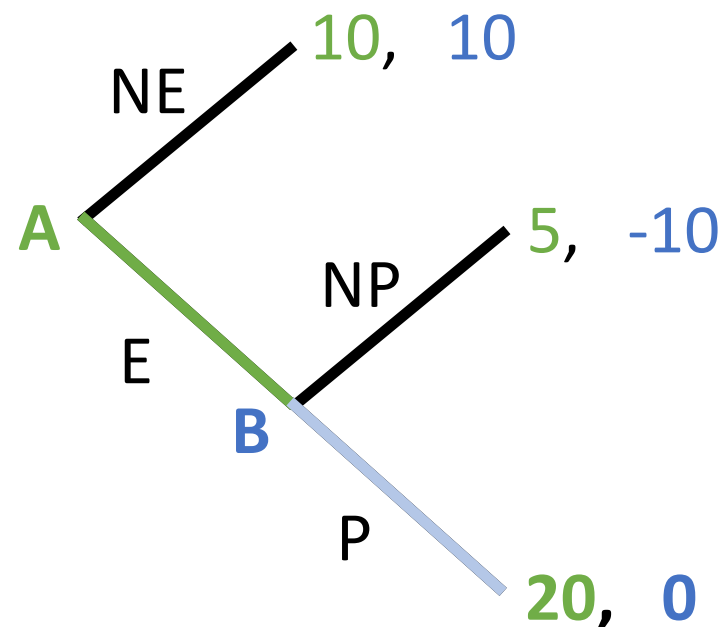
And consent helps coordinate

- Now suppose A does not know if they are in game (I) or (II)



Coercive transactions

- Extensive form extortion/harassment game
- Players A, B
- Actions
 - Extort (E) or Not Extort (NE),
 - Pay (P) or Not Pay (NP)



Consent: a sufficient signal?

- Player B may appear to make a free choice
 - But in a situation that B would rather not reach
- Why policy is needed
 - When power is asymmetric, consent is a necessary but not sufficient sign that all is OK
 - **“No” means No, but “Yes” does not mean everyone was made better off**
- Players may be uncertain of what game they are in
 - Potential for *unwitting* coercion

The duty ethics verdict

- **Failure of Principle of Humanity**

- Power dynamics can create offers one (may think one) cannot refuse – **coercion archetype**
- Putzkammer could not in principle consent. He is used as a means.

- **Failure of Universalizability**

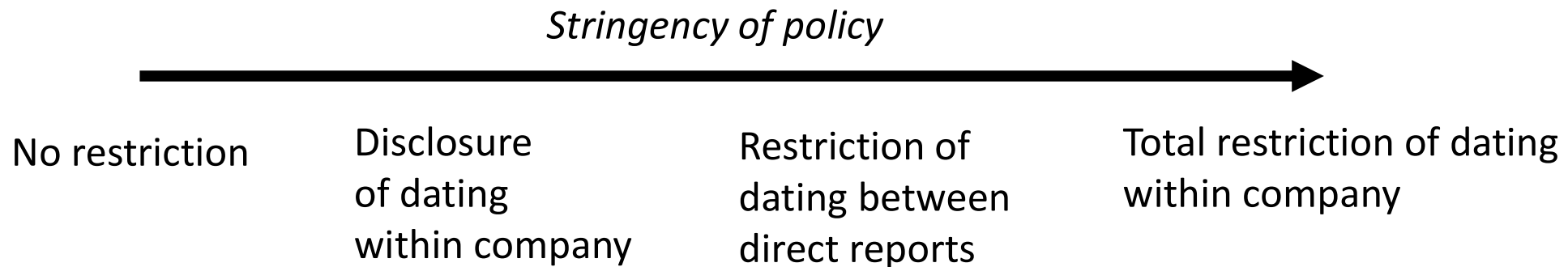
- Maxim: “I shall engage in relationships with subordinates whenever that raises my utility.”
- Contradiction in will: your superiors would do the same, and this could reduce your utility

Values Scorecard Revisited

	Act Utilitarian	Rule Utilitarian	Duty Ethics
Making romantic overtures to subordinates			

Policy implications

- What should the HR Director (Mr. Fay) do?
 - How could a new guideline look like?



Harassment cases: take-aways

- Objectification/exclusion/harassment treat others as means, failing Principle of Humanity
- ...and they do not universalize
- Power dynamics affect the meaning of “consensual”
 - Coercive transactions as an “offer one cannot refuse”

General take-aways

- We have (not always consistent) moral instincts
 - **Ends vs. means**
- Two important strands of philosophy (**duty** ethics and **utilitarianism**) matching those instincts offer systematic approaches
 - Quite different in terms of principles and ways of reasoning
 - At times may differ in terms of actions prescribed
- Helpful when developing robust decisions to know whether an action fails *every* ethical rule, or just some, or none – **value scorecard**

Coming up...

- **This evening:** Ungraded/optional assignment 3 posted (due by Friday next week)
- GSI section to discuss **Dragonfly** (assignment 2) this Friday
- Next week:
 - Environmental Justice
 - Diversity, Equity and Inclusion meet Sustainability

Evals

FTMBA Core Mid-course feedback

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Please fill out this short survey



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