

Commonly Used Ethical Principles

Utilitarianism

In a nutshell: one should select the course of action that will produce the most good for the most people.

Quick Background Info: The principle of utilitarianism is rooted in the theories of Jeremy Bentham (1748-1832), who asserted that an action should be judged according to its ability to bring happiness or benefit to everyone involved¹. Utilitarians tend to hold the belief that since society stands unable to see or measure peoples' motives, we should focus more on the consequences of the resulting actions and whether or not these actions produce happiness. This is why utilitarianism is also known as "consequentialism."²

Forms of Utilitarianism: Within this general principle lie two basic schools of thought:

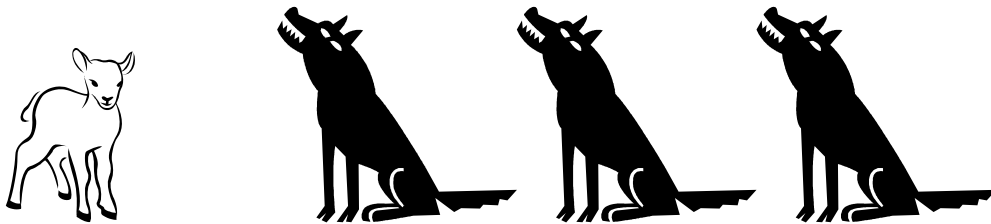
Act utilitarianism, or "pure" utilitarianism, strictly applies the "most good for most people" concept to each individual situation³.

Rule utilitarianism, as popularized by John Stuart Mill (1806-1873), mandates that one should consider basic rules that were created for the benefit of society in addition to examining "most good for most people."⁴ Rule utilitarians tend to believe that overall happiness (utility) is maximized in a rule-based system, and each situation need not receive separate treatment according to circumstances. Society can apply traditional moral "rules" (i.e. murder is wrong, people should not steal from others) to bring more predictability and continuity to decision making⁵.

Criticisms:

-The thing we wish to measure for the purposes of this principle - whether it be "happiness," "good," "utility," etc. - stands quite difficult to define. Is our judgment criteria based on an objective standard of measurement, (if so, what is that standard?) or is it based on the preferences and feelings of each individual?

-Utilitarianism, by nature, has the potential to adversely affect a minority to a point that some may consider ethically repugnant⁶.



"Unfortunately, for you, we are both hungry and utilitarian"

-Act utilitarianism has the potential to lead to outcomes that run contradictory to society's basic moral values. Even though rule utilitarianism attempts to solve this by advocating that individuals should obey basic rules for the greater good, the difficulty then becomes determining what concepts are meant to be these "rules."

Kant and the Categorical Imperative

In a nutshell: An ethical course of action is (1) one that can be "universalized" (am I prepared to allow everyone to do the same thing I am doing) and that (2) treats others as ends in themselves and not means to a particular end⁷.

Quick Background Info: In *Foundations of the Metaphysics of Morals* (1785), Immanuel Kant (1724-1804) radically distanced himself from utilitarianism by asserting that motives and "duties" behind acts – and not the resulting consequences – should guide ethical decision making. Kant argued that society should not determine the morality of actions by expected results (as utilitarianism attempts to do) because there would be disagreement on how to interpret these results (see criticisms of utilitarianism). Instead, Kant believed that society should necessarily follow a set of moral guidelines that are categorical or unconditional, making them our ethical duty⁸.

Which Rules Make Up our Duty: As shown above, Kant established a two-pronged approach to determining whether something should become a moral rule. Kant's "**test of universalizability**" compels us to ask "What if everyone acted how I am about to act?" A job seeker who attempted to fudge parts of his résumé to gain employment would fail this test, since we can all imagine the deleterious effects on society if everyone were to lie on this document. The second requirement of this principle requires that one **treats people as ends in themselves** (and not means to an end). On those grounds, the institution of slavery would be deemed unethical since it uses individuals against their will as a means for economic progress.

Criticisms:

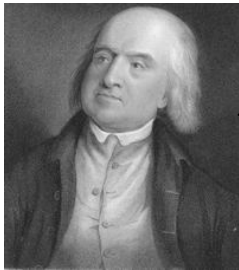
-Kantian ethics might be too inflexible for the real world. Using Kant's tests, we would assert that it is never right to steal or lie, but could some circumstances exist where doing those things could be ethical? If mobsters, wielding guns and bats, knocked on your door and asked if you knew the whereabouts of a friend of yours, would telling them the truth really be the moral choice? Perhaps we can get around this problem by being more specific with the choice that we attempt to universalize. Instead of asking "am I prepared to allow everyone in the world to lie?" we can ask, "am I prepared to allow everyone in the world to lie to prevent the loss of innocent life?" By asking the latter question, lying in our mobster example might seem the ethical choice. However, if we specify each situation we attempt to universalize too much, we run the risk of depriving society of a finite, precise set of moral guidelines, which is what Kant wanted to create in the first place.

-Kant's tests do not assist individuals in selecting *between* ethical alternatives in some cases⁹. Kantian ethics would suggest that people should provide for their family and also that stealing is wrong, so what would Kant say about a situation in which a

poor person has to decide whether or not to take a loaf of bread to feed his starving wife and children?

Application – Utilitarianism vs. Kantian Ethics

You are a sheriff of a small town. You are standing in front of a courthouse where a lynch mob demands that you turn over a prisoner that is inside. This prisoner has yet to be given a trial, but failure to turn him over will aggravate the mob and assuredly start a riot in which many will be hurt and killed. What do you do?



Jeremy Bentham

Turn the lowlife over! It will bring the greatest happiness and it will minimize overall pain.



Immanuel Kant

Absolutely not! To universalize such an act would compromise our system of justice.

-Utilitarians (at least act utilitarians) would assert that turning over the prisoner would bring the most happiness to the most involved (since we are weighing the interests of a mob of many versus a single prisoner). In addition, by turning over the prisoner, the sheriff will benefit the mob by minimizing pain and preventing injury and death.

-Those who wish to follow categorical imperatives, however, would reach an entirely different conclusion. Using Kant's tests, the sheriff would feel inclined to protect the prisoner, regardless of the consequences. One can argue that if the action here was universalized and everyone turned over prisoners to ruthless mobs, that this would obliterate the foundations of our justice system. In addition, turning over the prisoner to the mob would be treating the prisoner as a means to an end and not as an end in himself, which would violate the second of Kant's tests.

Ethics and Freedom

In a nutshell: Humans are entitled to self-determination and freedom of action, possibly subject to certain constraints.

Quick Background Info: In their writings, philosophers such as John Locke (1632-1704), Jean-Jacques Rousseau (1712-1778), Thomas Paine (1737-1809), John Stuart Mill (1806-1873), and John Rawls (1921-2002) all make references to the idea of a human's right to personal freedom, subject to limits¹⁰. Locke, specifically, cited liberty as one of three paramount rights to which human beings are entitled (in addition to life and property)¹¹. Most Western nations today accept this basic notion, which is endowed through their allowance of individual freedoms like speech, expression, conscience, religious worship, privacy, economic liberty, and others¹².

Ethical Principles Regarding Freedom: The field of ethics has produced some general principles that suggest the morality of personal freedom. One of the most prevalent is the principle of **autonomy**, which instructs us to respect the personal freedoms of others and to refrain from inhibiting individual self-determination. **Libertarianism**, a school of thought that advocates personal and economic liberty in ethical decision making, is often used to justify everything from free speech to fundamental capitalism¹³.

Limiting Freedom and Liberty: Undoubtedly, those among us who believe in unequivocal, unlimited liberty in all circumstances live as part of an exceedingly small minority. A society that allows everyone to do whatever they choose without restraint would become a society engulfed in chaos. This in mind, a multitude of principles exist that attempt to create instances that would justify the circumscription of individual liberty. They include:

-**The Harm Principle** – belief that liberty or freedom is justifiably circumscribed when doing so prevents harm to others¹⁴.

-**The Offense Principle** – belief that liberty or freedom is justifiably circumscribed when doing so prevents offense to others. This principle was popularized by American philosopher Joel Feinberg (1926-2004), who suggested that the harm principle does not go far enough in protecting society from certain forms of expression that can cause great offense to others¹⁵. Ethicists can utilize this principle to defend the existence of measures proscribing indecent exposure or using obscene words on television.

-**Paternalism** – belief that a person's liberty or freedom can be limited to prevent that person from committing actions that could harm themselves. Paternalistic arguments can be made for things like anti-drug measures or mandatory seat belt laws. Often, ethicists attempt to justify paternalism in circumstances where an individual may have some sort of impairment that prevents him or her from knowing all the facts about a situation or from having the mental capacity necessary to make a sound choice. Applying paternalism under those circumstances tends to receive further justification if the individual whose liberty is being constrained would have eventually agreed, after they received all the facts or their mental capacity improved, that such a limitation on them was acceptable. This is known as the **theory of future consent**¹⁶.

-**Social Justice** – belief that liberty or freedom is justifiably circumscribed when doing so can promote social goals, like equality or security¹⁷. This idea of exchanging some freedoms for security, overall societal benefit, and more freedom for all will receive further discussion in the next section.

-**Welfarism** – belief that a liberty or freedom of a person is justifiably circumscribed when doing so can benefit others (other than that person)¹⁸.

-**Legal Moralism** – belief that liberty or freedom is justifiably circumscribed to prevent a person from committing actions that run contrary to the collective morality of

society. British lawyer Patrick Devlin (1905-1992), one of the principle's leading voices, believed that "a society in which there is no agreement on good and evil will fail [since] society is held by the invisible bonds of a common thought."¹⁹ Ethicists can apply legal moralism, for example, if they endeavor to justify measures that prohibit private sexual acts, provided that society already frowns upon those acts. Legal moralism shares a loose relation with the principle of **Majoritarianism**, which asserts that liberty or freedom of a person is justifiably circumscribed when doing so conforms to the wishes of the majority²⁰.

-Principle of Equal Freedom – belief that an individual has a right to freedom of action to the point that it deprives a person of another proper freedom²¹. In his work *Social Statics*, philosopher Herbert Spencer (1820-1903) introduces this theory, postulating that "Every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man."²² This liberty-limiting principle tends to overlap with some of the other ones listed above.



"Your gross violation of the harm principle notwithstanding, Spencer would contend that your right to swing your fist ends where my face begins."

Criticisms:

-Unlike utilitarianism and Kant's tests that lead to the creation of categorical imperatives, freedom-based ethics fails to provide us any precise, hard-and-fast guidelines in which to determine the extent of an individual's personal liberty. Instead, we are left with a collection of principles – created to advocate the promotion or restriction of freedoms – whose merits we need to debate.

-Vagueness of terms stands as a significant fault of the harm and offense principle. Is physical "harm" what society should attempt to prevent, or psychological harm as well? At what point does something become "offensive" enough that it warrants prohibition, if at all?

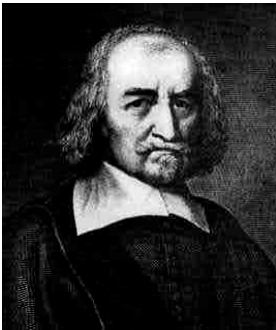
-Legal Philosopher H.L.A. Hart (1907-1992) disagreed strongly with legal moralism and Devlin's arguments, believing that even though society has a responsibility to protect life, safety and property, society can endure a diversity of moral beliefs and still hold together²³.

Social Contract Ethics

In a nutshell: In order to benefit society as a whole and to foster a political and social order, individuals must create and obey an implicit “social contract” in which people must abide by certain rules to ensure a certain measure of freedom, security, and overall well-being.

Quick Background Info: People who live together tend to create a set of principles to make their common life easier and to maintain social cohesion. In addition to creating laws – which can prevent the damage caused by individuals exercising their unbridled desires – society must also engage in a tug-of-war between the needs of society as a whole and the liberties of the individual. The social contract becomes the result of these actions, as society attempts to generate an implicit agreement between individuals that ensures the well-being of all in exchange for the population’s agreement to obey the contract’s terms. Such an endeavor can be difficult. Plato (427-347 BCE) notes in *Theaetetus* that in a society with many different people, interests, needs, and desires, an inherent challenge exists in seeking a single social structure in which all can live and thrive²⁴.

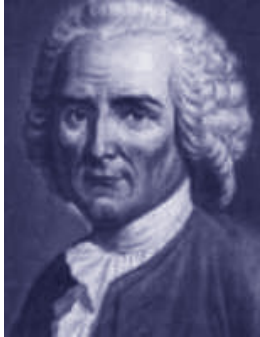
Examples of Social Contracts: various philosophers have advanced their own ethical theories as to what constitutes a proper social contract. A multitude of ethical dilemmas exist that challenge us to examine society’s role in solving a problem, advancing or limiting freedom, or providing for or taking away from a person or group. As such, applying and studying these various social contract theories can lead us to an ethical course of action in those matters.



Thomas Hobbes (1588-1679) – Hobbes believed that human beings, unbound by any social order, are naturally animalistic, violent, and inevitably poised for anarchy²⁵. As such, he argued for a social contract that created an authoritarian state so that society would have an absolute ruler that could prevent chaos and social disintegration. Under the contract, the ruler would agree to protect the natural rights of the people, act as an arbiter of disputes, and establish just laws (even though the ruler himself was to be above the law); and in exchange, all who live in the ruler’s jurisdiction must accept the authority of the ruler and obey all laws. In addition, the Hobbesian social contract did not allow any person holding a minority view to “opt out” of the agreement; you were bound by the terms if you lived within the jurisdiction²⁶.

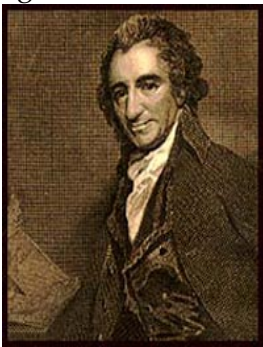


John Locke (1632-1704) – Unlike the Hobbesian view, Locke considered humans, by nature, to be basically rational and non-violent. As such, Locke envisioned a social contract that could be more friendly to individual liberties and that rejected the idea of a supreme, absolute ruler²⁷. Locke argued that authority should rest in democratically-elected state institutions that would uphold individual rights like free speech, free exercise, and freedom to hold property. Locke’s principles of individual rights and democratically-elected, responsible government stand as the basis of many modern democracies.



Jean-Jacques Rousseau (1712-1778) – In his work *Discourse on the Origin and Foundations of Inequality Among Men*, Rousseau argued that before the evolution of civil society, human beings were best off existing in what he called the “State of Nature,” where people lived secluded, simple, uncompetitive lives where the few needs they had were met by the environment around them. It was not until human populations grew, he argued, that attributes of civilization like private property and class structure fostered the contempt and greed that highlights modern society. As he quotes in his 1762 work *The Social Contract*, “Man was

born free, and he is everywhere in chains²⁸.” Even though Rousseau acknowledges the impossibility for humans to return to the State of Nature, he contends that a proper social contract involves one in which individuals engage in small, direct democracies (in which rulers and ruled held the same interests, unlike in monarchies) to create a “general will” that all will follow²⁹.



Thomas Paine (1737-1809) – Like Rousseau, Paine also rejected a monarchical social contract (although, unlike Rousseau, he did see merit in a republican form of government). He asserted that every person should have liberty and be allowed to do anything provided that no harm was done to others in the process (see liberty-limiting principles)³⁰. His ideal society rested on three principles: first, men are born and remain free and equal in their rights; second, government’s sole objective involves the preservation of those rights; and third, only the people can grant rights to society. The American Declaration of Independence

echoes his famous belief that every individual has a fundamental right to life, liberty and the pursuit of happiness³¹.



John Stuart Mill (1806-1873) – In his work *On Liberty*, Mill expressed his concern that a social contract rooted in democratic principles, though sympathetic of the will of the citizenry, still may have the tendency to act tyrannically towards individuals in the minority. As such, Mill theorized that an ethical society would only interfere with a minority if that minority does something directly harmful to the interests of the majority³². Society has a limited role in Mill’s social ethics, as society is permitted only to curtail individual behavior that hurts others. In addition, society has the obligation to protect three liberties:

liberty of thought and opinion (of any kind, as censoring the individual is morally wrong), liberty to plan our own lives, and liberty to associate with like-minded individuals for a common purpose (provided that it does not hurt anyone)³³.

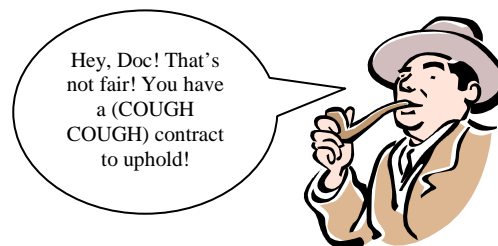


John Rawls (1921-2002) – In *A Theory of Justice*, John Rawls argues for his ideal social contract with the following thought experiment: a group of people assemble to decide the rules by which they wish to live. However, through some unusual form of amnesia, none of these people know who they are or anything about themselves (age, race, wealth, sex, social position, etc). As a result, they create this society without any reference to any specific interest group they might otherwise represent. Rawls contends that, under such conditions, the society that would result is one that a) would allow every

person an equal right to the most liberty possible while allowing liberty for all, and b) would allow inequalities to exist in society if those inequalities would benefit the least well-off. Rawls argued that the people in the society would want to help the poorest in society because – since each person did not know whether he or she was poor or rich at first – they would play safe, not knowing whether they would be in the poorest category. Rawls believed that the society that results from placing its members under a “veil of ignorance” about their attributes stands as the most just³⁴.

Application – Social Contract and Public Health³⁵

The nation of Hypothetia provides health care to all its citizens through government provision. (Hypothetians pay money in taxes to support this service). Recently, Dr. Utilla Tarian, one of the nation’s foremost surgeons, refused to perform a life-saving procedure on a patient of his, arguing that this individual was a heavy smoker who refused to give up his habit, and as such, it was unlikely that the surgery would add to the patient’s life expectancy. In addition, Dr. Tarian stated that, if performed, the surgery would allocate treatment resources away from patients who could realize significantly greater benefits. Did the doctor act ethically?



-As her name suggests, our doctor bases her reasoning on utilitarian principles. Her refusal to operate in this situation could cause greater good by freeing up finite public health care resources for other Hypothetians who could benefit more from those resources.

-However, others could argue that the public provision of health care is based on a social contract, in which a society agrees to contribute tax dollars in exchange for the government providing this service. The government, and all physicians employed by the government to administer the program, must hold up their end of the bargain and give

the people of the society the medical treatment they need or desire. Therefore, Dr. Tarian's patient, assuming that he pays his taxes, should receive the operation.

Other Ethical Principles

The remainder of this chapter will list other principles commonly utilized in ethical decision making. Combined with our knowledge of consequence-based ethics, duty-based ethics, and the ethics of freedom and society, we can apply a number of the principles listed below to help formulate strong arguments.

Beneficence - Belief that it is morally wrong to fail to increase the good of others when one is in a position to do so. The "good" to which this principle refers can be in the view of those others (respecting their autonomous right to self-determination), or as we perceive it (paternalism). Arguments for beneficence tend to strengthen when one assumes a lower risk or cost for performing the potentially beneficent act. In other words, believers in this principle would expect us to help a car accident victim get out of their overturned vehicle, but probably not so if that same vehicle was on fire.

Compensatory Justice - Concept that victims of some form of injury at the hand of a second party should receive fair compensation (compensation that restores an individual to a position they would have occupied had the injury not occurred).

Disclosure Rule - Asserts that a proper course of action is one that you can feel good explaining to a wider audience, such as family, friends, newspaper readers, or TV viewers. This principle does a good job at screening out actions based in greed, jealousy, or dishonesty, since a wider audience would find such motives abhorrent. Unfortunately, the disclosure rule often fails to assist us with ethical dilemmas that have several strong alternatives.

Double Effect, Principle of - Principle that recognizes that some actions can have both a good effect and an unintended evil effect, and asserts that the evil effects of such actions do not necessarily make the action unethical. According to this principle, one need not abstain from a good action with unintended bad effects provided that the following requirements are satisfied:

- The object of the act is not intrinsically evil.
- The person performing the act must intend to achieve the beneficial effects and only indirectly intend the harmful ones.
- One must avoid the harmful effects as much as possible.
- The harmful effects cannot be the means to achieve the beneficial effects.
- The beneficial effects must be equal to or greater than the harmful effects.
- The harmful effects cannot occur before the beneficial effects.

Distributive Justice - Belief that the society should distribute benefits and burdens using impartial criteria. What criteria society uses, however, can vary:

- Strict Egalitarianism* - every person should receive equal benefits and burdens.
- Merit* - People should receive benefits from society proportional to their contribution to society.

Socialist – People should be assigned burdens according to their abilities, and receive benefits according to their need.

Libertarian – Burdens should be assigned as they are voluntarily accepted. Benefits should be assigned as they are voluntarily given by one party to another. Benefits can also be created as one creates them, through returns on investments made on things owned.

Rawlsian – society can justify an unequal distribution of benefits if such a distribution can better the lot of the most disadvantaged.

Egalitarian Theory – In contrast with libertarianism, this method of thinking stresses that members of a society should receive equal access to important social goods.

Ethical Egoism – Position that actions are morally right if they maximize one's own self interest. Such reasoning can still allow room for acts that help others, but only if they can lead to some sort of benefit for the decision maker.

The Golden Rule – Perhaps the most widely known accepted moral principle (most religions have different versions of it in their major texts), the golden rule asserts that one must treat others the way they would want to be treated. The principle can be quite effective due to its ease of use and its ability to force ethicists to consider the needs of others³⁶. However, a problem with the rule is that preferences among individuals are not universal³⁷: even though you might like steak yourself, using the golden rule to justify serving one to your vegan friend would be foolish.

Nonmaleficence – Principle that articulates that one should not harm others. It is linked to the popular Latin phrase *primum non nocere*, which translates to “first, do no harm.” Some ethicists interpret this principle quite rigorously, believing that if one cannot do good without causing harm with a particular act, then one should not perform that act. Yet, in a world where even the best actions can have some harmful results, some tend to opt for a less strict interpretation.

Organization Ethic – Principle that preaches the subordination of the wills and needs of individuals to the overall welfare of an organization (such as a club, corporation, army, government, etc). Such an ethic, proponents argue, provides the cooperation and mutual trust needed for a group of any kind to thrive. This principle tends to lose justification, however, when loyalty to an organization is used to justify extreme wrongdoing. Former Nazis convicted at Nuremberg, for example were left without an ethical (or legal) leg to stand on when they tried to argue that they “were just following orders” when they committed their crimes.

Retributive Justice – Belief in even-handed punishments that are proportionate to the transgressions committed.

Reversibility – Principle that suggests that an individual has acted ethically if the following question can be answered in the affirmative: “if I was the person affected by my actions, would I believe that the actions treated me with respect?”³⁸

Veracity - Belief that one should tell the truth (“honesty is the best policy”).