

## **Basic Ethical Theory - Applications for Business and the Environment**

Most likely you are a manager and/or a professional decision maker. Your decisions in the work place affect any number of people. Because other people are affected, your decisions are ethical in nature. The purpose of this short course in ethics will be for you to formulate your own ethic relevant to the work place, your community and the happenings in your personal lives. But more important, this course will provide the theory necessary to categorize the ethical stand of other people. In so do, you should become better at understanding those with counter arguments, knowing how and why their ethical stands differ from your own.

We are constantly making decisions as to what would be the proper or improper thing to do. These decisions have often been referred to as our "oughts" and our "ought nots" in life. In this decision-making process, we extract from a set of standards or moral rules and principles that constitutes our morality. With each moral decision that we make and the action that we take, we develop our personal morality. A personal friend and sage once reminded me that "repetition makes the reputation." Over the long-term, the culmination of our moral decisions, day in day out, determines our personal character – our reputation.

In a recent T.V. survey among 100 game show audience attendees consisting only of college graduates, were asked to choose the gravest decisions that any person has had to ever make. The majority felt that the decision made in 1945 by President Harry Truman to use the atomic bomb on Japanese cities to end the war with Japan will never be surpassed. Equally costly in terms of pain, suffering and human lives was Abraham Lincoln's decision in 1861 to use military force to resist the secession of the southern states from the union. Whether or not Truman and Lincoln made the right decision can follow only after weighing all of the pros and cons. This in turn depends upon one's moral, cultural, religious, and/or political perspective. Because the effects of actions today are trans-temporal, affecting the people of the future, we can only reach tentative conclusions. Today, it may seem that Truman made the right choice but ramifications of the first atomic bomb and nuclear weapon technology in the year 2200 may cause us to change our minds.

The moral decisions that we make everyday are neither as complex nor with such lingering effects as those made of our leaders. We began establishing our humanistic identity as children when we decide whether or not to bully our friends or steal from our peers. As able-bodied American male teenagers many of us had to register for the military draft with the decision to either fight in wars or not to fight. We all have attempted to rationalize the two sides of the dilemma of capital punishment, abortion, and expenditures for such social programs for welfare, health care and social security. Many of us are sensitive about policies for or against stricter regulations for animal research and environmental protection. Also, we are faced with day-in-day-out decisions such as filing accurate tax returns, cheating on exams, keeping promises to our family and friends,

driving while intoxicated, or discriminating against others based upon their race, gender, or sexual preferences. The list is endless.

### **What makes an act moral or immoral?**

Moral issues arise most fundamentally when people are faced with decisions that affect the well-being of others. If we act to increase the physical harm: pain, disease, injury or death, or to increase psychological harm: fear, hopelessness, or depression of another person, loss of self-worth or self-respect then, we are harming them and acting immorally. Even if our actions do no great harm but merely diminish another person's benefits then these actions can be considered immoral. Thus, an issue is a moral issue if it affects the well-being of another person.

Some actions can be considered to have greater moral significance than others because of the degree to which it affects other people. When we think of morality, we can think of it as a moral spectrum. At one extreme would be classified those actions that are morally prohibitive, such as the murder of innocent people. At the other moral extreme would be actions that are morally required, such as telling the truth and paying your due taxes and debts. In the median of these two extremes would be those actions that are morally acceptable. Any action can be classified somewhere in this moral spectrum and its tally of pros and cons would determine its specific location. Suppose, we say that it is morally required for the power companies to generate electricity which is desperately needed by all phases of our society. This would not exclude the use of technologies of nuclear fission and nuclear reactors. However, it is morally prohibitive to place the lives of innocent people in danger. Because nuclear reactors have problems with handling of radioactive waste, possibilities of slow radioactive leakage, even the possibility of a lethal melt down, much like the incident of Reactor Four on April 25, 1986 of Chernobyl of the former Soviet Union, the construction of a nuclear power plant would be considered at best morally acceptable. Its acceptability would depend upon the reactor's location, the availability of alternative sources of energy, the rigidity of safety regulations and guidelines on the operation of the reactor, and the amount and type of radioactive waste which it generates.

### **Ethics, Values and Morality**

Many people use the terms ethics, values, and morality interchangeably. Ethics is a branch of philosophy often referred to as moral philosophy. While not everyone agrees what philosophy is, it is best defined as a discipline or study in which we seek to understand and interpret the key elements involved in all human life and experiences. Literally, the word philosophy means the study of knowledge. Moral philosophy or ethics must deal with the objective rights and wrongs of human experiences, and how we know that they are right or wrong. Simply said, ethics is the theoretical study of morality. Morality, in contrast, refers to the rules that are culturally established and defines right and wrong behavior.

Values are personal traits and attributes which characterize moral behavior. The contemporary moral philosopher, Alasdair MacIntyre, believes that moral values are

culturally acquired throughout one's developmental processes that determine the human qualities. (2) Aristotle, the famous Greek philosopher, identified several virtues, which are best understood as humanistic values. His list included courage, liberality, temperance, justice, and pride. However, Aristotle viewed the true value to be a median between two extremes. If courage were the median virtue, the deficient extreme would be cowardice and the excessive extreme foolhardiness. To be excessively courageous is not the best attribute because at times it is better to refrain from action, retreat, regroup, recollect and plan a more promising counterattack. Aristotle claimed the deficient extreme to pride to be humility and the excessive extreme of pride to be vanity. There are many humanistic values which would be typified in 21st century life styles that Aristotle could not have seen as necessary. In Hinduism and Buddhism the virtues help a person to achieve liberation from the soul's rebirth after death and retribution in future lives. (3) In Chinese thought and Confucianism, the most important human value is benevolence, and it is useful in this world, not the next.

By brainstorming come up with a list of 21st century values for the western minded Judeo- Christian.

1. for example, globally informed
- 2.
- 3.
- 4.
- 5.
- 6.

### **Moral Principles**

Our moral values provide a foundation upon which we cultivate a precept of guidelines which best differentiates between morally acceptable versus morally prohibitive demeanor. These guidelines are our moral principles that we ardently adhere and that we have acquired inductively through our religion and culture and deductively through our social interactions. Most of the followers of the Judeo-Christian faith look toward the Ten Commandments as moral principles. Many of us also claim allegiance to ideas out of Greek philosophy (The Natural Law), and to perspectives from the "Age of Enlightenment" such as utilitarianism and deontology. Each of these ethical theories and their component moral principles are the basis of this mini-course.

Moral principles can be thought of as "rules of life." However, moral principles must have some definitive characteristic that distinguish them from any old rule or regulation. Moral philosophers have derived three general characteristics of our moral principles. Foremost, moral principles must be thoroughly reasonable, at least to us. Because our principles take their origins out of our formative years from family, friends, church and even television, they can be categorized as personal beliefs. While reasonable, the synthesis process of the moral principles are variable between the different families in the same neighborhood, and especially between families of different religious faiths, families of different regions of the country and especially of different cultures of distant countries. A family that enjoys the humor of the television show, "The Simpsons," will rationalize some of their moral principles differently than the neighbors who refuse to permit their children to watch "such crude public displays."

Moral principles are universal in that they are applicable to everyone. If a principle is to have any social significance, it must commit us to the claim that it applies to others but also to the claim that it applies to ourselves. If stealing is wrong, then it is wrong for everybody, including you, me, old or young, and rich or poor.

While moral principles are universal, they are not necessarily absolute. A principle that is absolute is applicable without exceptions under all situations. The danger of living by absolute principles is that situations will invariably arise in which two principles will conflict and the only possible course of action will violate one of the principles. Currently, our society accepts the principle that it is wrong to prevent people from long, anguishing deaths from diseases that can be treated with contemporary practices. However, many diseases, such as Parkinson's disease, can be cured with fetal cell transplantation. In this procedure, living cells are collected from the basal nuclei of the brains of aborted fetuses and injected into the diseased brain of Parkinson patients. Currently, the moral principle protecting the right of life of the fetus supercedes the right to avert a long painful death among older people. We can only make these tough moral decisions when conflicting principles are not held in absolutism.

Many moral philosophers feel that the ultimate violations of morality are to tell a lie. In everyday situations this moral principle is superceded by other principles. I would certainly not tell my grandmother how ugly her dress was even if she asked for my opinion. Thus, we would concede to an absolute principle against lying in favor of a universal principle to preserve feelings.

To alleviate this problem, moral principles should never be formulated to apply to general situations. For a moral principle to be reasonable, universal and absolute it must be specific and qualified. The above situation could be qualified by claiming that it is wrong to allow mentally alert people to die, except when the potential life of a fetus must be sacrificed in the treatment.

### **Traditional Versus Contemporary Ethical Theory**

To review, ethics is the theoretical study of morality. It attempts to objectively decipher the good and bad of particular ethical situations. This type of ethics is generally referred to as *normative ethics*. Normative ethics may attempt to determine if we are justified in clear cutting old growth forest in the Pacific Northwest in the face of rising unemployment for the foresters.

Another discipline of ethics, *metaethics*, analyzes the meaning of ethical terminology. Rather than analyzing the two-sided argument of cutting the old growth forest, metaethics would go "beyond" (meta means beyond) this decision by searching for the meaning of "justice" or what does it mean "to be justified" in reference to clear cutting old growth forests.

Because our principle goal in this course is to develop our own environmental ethics and to analyze the ethical stand of others, our attention will be directed toward normative ethical theories. By borrowing from traditional and contemporary theories, you should be able to hybridize your own theory. You should now begin looking for the more appealing features of each theory that we cover.

The remaining portion of this mini-course will summarize the traditional ethical theories: relativism, egoisms, the divine command theory, natural law, utilitarianism, deontology and rights theory. The reason these theories are considered to be "traditional" is the fact that each is anthropocentric; that is each is human-centered and each gives intrinsic value only to humans. Intrinsic value is that value which is possessed for no other reasons than that its possessor exists. If only humans have intrinsic value then their existence, well-being and overall happiness supersede all other things of extrinsic value. All non-human things, living and non-living have only extrinsic value to humans and would be for human use and consumption.

In dealing with the moral dilemmas relevant to non-standard subjects such as the Holy Bible, a corporation, future people, individual animals and plants, a species or an ecosystem, traditional ethical theory bogs down because the plaintiff is not a human. Usually the point of division between the two opposing voices, the traditional ethicist and the contemporary ethicist, is over the moral principles of the normative premise. In traditional theory the following normative premise seems quite acceptable:

*All men are created equal and that they are endowed by their creator with certain inalienable rights among which are life, liberty, and the pursuit of happiness. (3)*

It makes little sense in traditional theory if one were to claim the following:

*All individual living things are created equal and that they are endowed by their creator with certain inalienable rights...*

It is more confounding to contemplate the rights of a creek or an ecosystem. It even becomes abstract to consider the rights of future people a thousand years into the future who may or may not every come into being. Furthermore, some consider it absurd to consider the harm produced from our actions which may never occur, such as the danger from leakage of stored hazardous chemicals.

Questions 1: Before we define the different traditional ethical theories, describe why you feel each of the following has or does not have rights.

1. The IBM Corporation
2. The Southern Baptist Convention
3. The Vermillion Darter, *Etheostoma chermakii*, an endangered fish located only in Turkey Creek of Jefferson County, Alabama.
4. The White Beach spider, *Arctosa sancterosae*, an unlisted species by the Department of Interior. It is highly restricted in its distribution on one or two native beaches on the Gulf of Mexico on panhandle of Florida and Alabama.
5. The Grand Teton National Park

## The Natural Law

The initial concept of the Natural Law has been attributed to Aristotle (born in 384 B.C.) From his earliest years Aristotle exhibited a great interest in the sciences, but especially in biology. Being the son of a physician, he was trained in his youth in the art of dissection and surgery. He, too, was a great teacher in early Athens, Greece and a tutor to the youthful Alexander the Great.

To understand how Aristotle derived the Nature Law, you must first realize that he is considered to have invented formal logic, the basis of systematic knowledge that integrates the sciences and philosophy. He recognized that science was to be done at progressive levels, beginning with the physical descriptions known through one's senses (i.e., water is wet and ice is cold) and progressing to an analytical level at which things are known "holistically"; that is how they interrelate with other things. To truly understand scientific phenomena, Aristotle thought that one must look beyond the physical descriptions to the causes of things. (As a scientist myself, I see that without this wisdom one cannot be a true scientist whether in physics, biology, engineering, or ethics). Aristotle further claimed that before one can really know a thing, they must know it through its four causes and that it comes about from a reshaping or changing of other matter. (It should be noted that through the "four causes" Aristotle actually derived the first law of thermodynamics, that matter can never be created or destroyed but only changed from one form to another). Aristotle's four causes of all things in a natural progression are:

a. The material cause is the substance that composes something and is the substance used in the changing process. For example, before one can know a stool they must first know that it is made of wood and that this wood has come from another form, a plank and several dowels.

b. The efficient cause is the means by which a thing comes into existence and the source that actually brings on the change. For our stool the efficient cause would be the wood worker that made the stool.

c. The formal cause is the shape taken by the stool once constructed. This is the same cause seen as the plan in the mind of the wood-worker, directing her actions.

d. The final cause is the purpose of the thing and the end result of the changes that bring it about. For a stool, the final cause is an object suitable for sitting and resting oneself.

To know the nature or telos of something is to know its four and especially its final causes. (Telos from the Greek means goal). This has become the heart of teleology, Aristotle's blend of science and ethics and the foundation of the Natural Law.

Question 2: Now that you are able to recognize the four causes of a stool,

A. Identify the four causes for a frog.

Answer:

Material Cause-integument, muscle, bones, hormones, and the like.

Efficient Cause-the parents as a product of millions of years of evolution.

Formal Cause-the shape of the frog with large mouth and elongated hind legs.

Final Cause-to fill its ecological niche and to produce the next generation of frogs.

B. What would be the four causes for human beings, in general?

C. Would this differ from the four causes for someone in particular, yourself?

The Natural Law holds that everything that exists has a purpose or role which is peculiar to itself, regardless of when or where it exists. A human being, the IBM Corporation, the Southern Baptist Convention or an endangered fish species have an inherent nature enabling each to survive and flourish, independent of the beliefs of humans.

The telos or inherent nature of an organism provides a standard for the species and a norm for defining the good for the species. For a species to flourish it must fill its ecological niche through its "struggle for existence" by interacting with other species symbiotically and through predator-prey relationships. Those organisms that do not fulfill their inherent nature will succumb to the struggle, leaving only the fittest of its species to survive. Does the same apply to a corporation or a religious denomination?

Secondly, the Natural Law holds that human beings have a telos which has greater dimensions than non-humans because of their rational, social, and ethical natures. Aristotle reasoned the presence of a hierarchy of souls in all living things with the grandest souls possessed by humans, characterizing their superior telos. All living things (plants, animals, fungi, protista and monera) were reasoned to have a nutritive soul, that which assures the acquisition of energy and a basic sustenance of life. Such a soul would distinguish a piece of wood from the living tree. To the biologist who senses an aura or mysticism even in the simplest living organism has recognized the nutritive soul.

Aristotle saw all animals, as well as humans, have an appetitive soul that instills sensations, urges, feelings of pain and pleasure, and in essence sentience. In Genesis, God breathed the "breath of life" into humans and the beasts, which could be the Hebrew analogy of the appetitive soul. The third soul, the sensitive soul, is peculiar to humans and endows rationality, the thinking processes, and numerous virtues. According to the natural law, as long as a plant fulfills its nutritive soul, it fulfills its inherent nature and it is a good plant. As long as the Vermillion Darter fulfills its nutritive and appetitive souls, it is a good fish. Likewise, the human that utilizes all three of its souls will fulfill its telos. According to Aristotle, humans are to have a contemplative and virtuous life, dedicated to acquiring knowledge and understanding.

Thirdly, the Natural Law holds that the telos of all things can be ascertained by reason. Through reasoning we can know the telos of all other things, including living organisms, a species, ecosystems, corporations or religious denominations. According to the Natural Law, our actions which cause organisms to better fulfill their nature are moral while actions that displace them from their inherent nature would be immoral. The destruction of a habitat and the extinction of threatened species could be immoral, unless the habitat was needed for the building of a city, residential area, or a shopping center. Social expansions, after all, are within the inherent nature of humankind. Aristotle placed greater importance upon the needs of humans over that of non-humans because of their rationality and superior nature. More importantly, the human telos was seen to encompass the telos of non-humans, and thus humans were responsible for them.

The Natural Law provides the foundation of ethics and through reasoning is self-evident to humans. We can know the moral laws through reasoning and logic, a natural process for humans. Different from all other things, humans can decipher their own nature; and as long as they carry out their nature in accord with the rest of nature, they are moral. When humans deviate from it, they are immoral. The reasoning process still leaves people in a quandary, driven by differing moral principles which each adhere. Consider the debate over the morality of sexual preference. If the pleasures of sexual relations are to satisfy the emotional and psychological needs of humans, then the argument can be made that heterosexuality, homosexuality, bisexuality, and asexuality are moral. If, however, the sexual urges of humans are elements of their appetitive soul and are merely to satisfy the needs of reproduction, the argument can be made that homosexuality, bisexuality and asexuality are immoral. Additionally, the use of contraceptives and heterosexual relations without the intent of conception would be immoral.

C.E. Harris proposed the challenging situation which clarified several points of the Natural Law relevant to the 20th century. Suppose you were on a military convoy sailing from the United States to England during WWII. Your ship was attacked and sunk and the survivors were left afloat with too few life rafts. Your 20-man life raft carried 24 passengers which would soon collapse due to its overload unless four volunteers were to jump overboard. Of course no one volunteered. Further suppose that four of the survivors are fatally wounded and probably will not survive beyond another day. You as captain must decide to cast the injured sailors to the sea for the sake of the remaining twenty. The natural law theorist would claim that to cast any person to their death, against their will, would violate their biological and human values even at the jeopardy of the others. In analysis, 1) natural law is not based upon consequences or outcomes of an act but based upon one's motives. The value of a single human life is infinite and while immeasurable it is relevant only at the present moment. If a single life has infinite value it is equal to the infinite value of twenty lives. Additionally, 2) it is evident from the life raft scenario that natural moral law is universal. Natural laws are universally applicable to all rational beings, independent of who is involved.

### **Shortcoming of the Natural Law**

The single biggest problem associated with the Natural Law of morality is the assumption that just because something is natural does not mean that it is automatically good. Philosophers have often pointed to the many natural events that violate the nature of things. Earthquakes rattle our homes on their foundations, forest fires can burn them to the ground, tornadoes and hurricanes can blow and wash them down. Weather mishaps routinely destroy life and property. Because they are natural are they moral? (7)

The point to be made is that it is quite natural to be unnatural and to violate the nature of things. Nature is harmonious because it is a dynamic system of interspecific interactions, extinction and extantion, and life and death. Consider that sixty-five million years ago the earth suffered a great catastrophe, leading to the elimination of the then



ruling reptiles, the dinosaurs. Without the extinction of the dinosaurs there would have not been the expansion of the mammals and there would no Homo sapiens! Without the destruction of the untrammled forest and virgin ecosystems of centuries past there could be no cities and neighborhoods of today. If we can look at human civilization, the Yellowstone National Forest, churches, libraries, county fairs, and television, just to name a few of the current natural goods, then there can be no bad. The mere existence of the good and natural thing has depended upon the existence of bad things of the past. The bad things of the present will affect the way good things will be in the future. Holistically, naturally there is nothing bad only natural.

Question 3: On July 26, 2002 astronomers announced that an asteroid was on track for a collision with earth and could be expected in February 2019. On July 31, 2002 the same astronomers sheepishly retracted their celestial prognostication. Such events will continue to be in future newspapers. It has been predicted that it is not a matter of if but when a large celestial body will collide with the earth. The consequences will be catastrophic, pushing humanity into an era of mere survival. Would such a natural event be immoral?

Answer: No. Natural events are not moral or immortal. Natural events can be said to be only amoral.

A second shortcoming of the Natural Law is that to apply it in absolutism invariable will lead to conflicting actions. If it is immoral to kill another person, can you not do so in self defense? In response to such dilemmas Natural Law theorist has adopted two modifications. The Principle of Forfeiture holds that a person can forfeit their personal right if they should first deprive others of their rights. An assassin who attempts to shoot you forfeits her personal rights, justifying your actions of self defense and to shoot back. The Principle of Double Effect recognizes that many actions will have more than one effect. To determine the moral justification for a given action, one must weigh the good and bad effects of all consequences. Suppose that you cast the four injured sailors into the sea so that the remaining twenty could be saved. However, the wounded sailors struggling along side the raft are likely to now attract sharks which could endanger the lives of everyone. The principle of double effect would permit your actions as long as the favorable consequences exceed the unfavorable.

### **The Divine Command Theory**

Thomas Aquinas (1224-1274) blended the Grecian insights of Aristotle and the Natural Law with Christian theology and generated a revolutionary moral theory called the Divine Command Theory. Aquinas served as a Dominican monk, which was a priestly order that frequently traveled as preachers and missionaries. As a student at the University of Paris, Aquinas studied with Albert the Great where he was first introduced to the writings of the Greek philosophers. After completing his academic studies, Aquinas entered the faculty of the same University and taught for nine years. During his

tenure at the university, he was so close to the "middle of the road" that he felt resistance from the Augustinian extremist (the Christian conservative) from the secular, Aristotelian faculty (who opposed orthodox Christianity). Even today from his famed written works, *Summa Theologica* and *Summa Contra Gentiles*, Aquinas is known to straddle the academic, political, and theological fences.

The Divine Command Theory of morality holds that an action is wrong if and only if it is forbidden by God and an action is right if and only if it is permitted by God. Whether something is right or wrong is commanded by God. In this morality, humans should accept the authority of God and do the right thing as commanded, either out of fear of repercussions from God (being sent to Hell for eternity) or out of gratitude to God for being given the blessing of life and divine love. (4) In the Thomist (This term was derived by Aquinas' first name) version of the Divine Command Theory, the order and harmony of nature, earlier described by Aristotle, was seen to be ordained and installed by God. It was inconceivable to Aquinas that natural order had no designer, no plan, and no direction. The telos of all things was the result of God's plan and purpose. All natural events were determined by God and were parts of the harmonious operations of nature. Furthermore, Aquinas felt that it was possible to see the goodness of God in nature.

**Shortcomings of the Divine Command Theory.** There are problems associated with the use of the Natural Law/the Divine Command Theory as rules of morality. Central to the theme of the Divine Command Theory is the assumption that all moral agents will accept that God exists. Atheist (those that believe that God doesn't exist) and agnostic (those that wish not to make such a decision) would not have the same moral authority of appeal as would a theist. A theist, believing in God, would follow the commands of God regardless, while the atheist and agnostic would follow their conscience. There is, thus, no guarantee that the Divine Command Theory would be applied universally and that everyone would share the same moral principles.

A second shortcoming of the Divine Command Theory is that mere mortals with their limitations can never fully know and comprehend the commands of God. The Ten Commandments are valid only for followers of the Judeo-Christian faith. Only Christians would attempt to follow the eleventh commandment added later by Jesus. (Love thy God with all heart, soul and mind; and love thy neighbor as thyself.) But for the rest of the Bible, there have been great disagreements among the Christian theologians as to the proper interpretations. Are the stories of the Old Testament to be interpreted literally or allegorically? While the Bible is considered to be the inspired word of God, there is debate over how holy and divine it remains. The finiteness of the author's writing styles, personal feelings, and interpretations of particular events, and the errors of transcription by the scribes have bled into the script. Outside of the Bible, the Torah, and the Koran, God can speak directly to the faithful, just as God has done to such prophets as Abraham, Moses, St. Paul, and Muhammad. If God does directly speak to humans, we may confuse the divine revelations with our own conscience and then not give our revelations accurate interpretations, applying them to the lives of all other people.

A third problem with the Divine Command theory stems out of a deep theological debate, which first surfaced long before the birth of Christianity and Islam, and out of the teachings of Socrates. As recorded in Plato's dialogue, *Euthyphro*, Socrates asked Euthyphro, "Is the pious loved by the gods because it is pious, or is it pious because it is loved by the gods?" (5) The point is that if something is pious or right because it is loved by the gods, then it is senseless to say that the gods love it because it is right. To bring the debate into the Christian era, we can ask the question "which came first: God or goodness"? Suppose that goodness preceded God, then things are inherently good or inherently bad and God's role is as an intermediary, who decrees to the mortals the difference between good and bad.

If, however, God preceded goodness then God must first create things and then decide which are good or bad and which are moral or immoral. Furthermore, if God precedes and determines goodness, then God could decide today that murder and stealing were immoral but then change his mind tomorrow, making them moral. But then the rationality of ethics is known only to God, leaving humans hopelessly out of the picture. Contemporary philosophers, such as Robert Adams, remind us that the god of the monotheist is a loving God. Things are right if they are permitted by a loving God and wrong if they are prohibited by a loving God. (6) Thus, if God is a loving God it would appear that God precedes and is greater than goodness.

### **Ethical Relativism**

Ethical relativism claims that everything in ethics is relative depending upon personal opinions and beliefs of what constitutes moral and immoral behavior. In countries that have but one religion and one culture, opinions are diverse. In western countries which are becoming increasingly diverse in their cultural makeup, it is more difficult to know right and wrong. This is especially true in such cultural "melting pots" as the United States where every nationality, culture and religion throughout the world is represented and where the greatest majority makes up 38% of the total.

Even when ethical issues are carefully debated and analyzed, the ethical relativist is quick to throw up their hands in disgust and dismiss an impasse to difference in opinion. But this approach is not valid. Just because people may harbor different beliefs and cannot agree with one another does not mean that there is no moral answer.

There are four variations of ethical relativism with one extreme of particularism and the other of universalism. Ethical Nihilism represents the furthest extreme of particularism, holding that everything is pertinent. Each person would hold their own set of moral principles, which would have no bearing or relationship to those held by other people. Even though, there would be moral and immoral acts in such a society, there would be no consistency in moral rules or ethical theory. If we were moralistic outsiders looking into an ethically nihilistic society, it would appear to be moral chaos. The morality of the actions of the citizens would appear random.

The point of view that recognizes a consistency in ethical theory among human societies but that it is limited by cultural boundaries is referred to as cultural ethical relativism. During the 1920's the cultural anthropologist, Ruth Benedict, began an anthropological evaluation of primitive cultures untainted by modern civilization in search of common moral threads. She described numerous behaviors of which most westerners would be horrified.(8) She described the practice of Eskimos who would kill a neonate if cold weather was upon them and if food shortages could jeopardize the survival of others in the family. She also described the actions of an Indian chief who had lost his sister and daughter in a drowning accident. After organizing a war party the chief found rectification when he happened upon an innocent group of seven men and two children. Having killed all nine, the chief "felt good about it." The actions of the Eskimo and Indian chief were acceptable in their culture and could establish a moral norm. In our culture both actions are considered abhorrent and immoral. The arbitrary actions of the chief do frequently occur in our society. We shouldn't be too hard on the chief. During my drive home from a bad day at work and if further provoked by a long red light, I might cut another driver off and offer obscene gestures to the victims out of my wayward attitude. Such actions would be clearly classified as abnormal in our society. But we often still do them.

James Rachels provides an excellent example of cultural relativism in the true story of a cultural anthropological experiment conducted by Darius, a king of ancient Persia.

*Darius was intrigued by the variety of cultures he encountered in his travels. He had found, for example, that the Callatians (a tribe of Indians) customarily ate the bodies of their dead fathers. The Greeks, of course, did not do that--the Greeks practiced cremation and regarded the funeral pyre as the natural and fitting way to dispose of the dead. Darius thought that sophisticated understanding of the world must include an appreciation of such differences between cultures. One day, to teach a lesson, he summoned some Greeks who happened to be present at his court and asked them what they would take to eat the bodies of their dead fathers. They were shocked, as Darius knew they would be, and replied that no amount of money could persuade them to do such a thing. Then Darius called in some Callatians, and while the Greeks listened asked them what they would take to burn their dead fathers' bodies. The Callatians were horrified and told Darius not even to mention such a dreadful thing. (9)*

Ruth Benedict's point was that our culture establishes our customs out of habituation. She reminds us that when we use the frequent saying "it is morally good" we could just as accurately say "it is habitual." If our morality is nothing more than what we are used to, then the set of moral rules which we should use could be compiled simply by a majority vote. This is exactly the opinion of the cultural ethical relativists, that the majority (greater than 50%) establishes morality. In the cultural melting pot of the United States a concrete set of moral rules is difficult to find even with a majority vote. Consider for example, that the majority of Americans do think that adultery through infidelity to a

spouse is immoral. However, current data indicates that 78% of the married couples have had at least one extra martial affair. Thus, while our moral principles are established by majority rule they apply only to the majority. As individuals, we see ourselves as members of the minority and thus are immune to moral responsibilities.

Soft universalism recognizes that there are cultural differences, which can account for variations in applied moral principles. However, it differs from cultural relativism by insisting that there is a central core of morality common to all human societies. It is not surprising that the Callatians and were repulsed by the Greeks custom. However, the actual customs, which appear opposite, are camouflaging the underlying morality. For both the Callatians and the Greeks, it was morally correct to recognize and praise the spirit of one's dead father. The Callatians embody the spirit by eating, while the Greeks set the spirit free by fire.

Hard universalism is the point of view that morality is completely universalized. For example, it would be wrong for anyone to lie, steal, murder, commit adultery, etc. whether they were a celebrity, a famous football player, a politician, or at war in a foreign country. The moral rules must supercede all divisions in culture and religion and national boundary. Neither the Bible nor the Koran would be an acceptable moral source by all. In final analysis to the hard universalist there is only one acceptable morality to be universally applied. To the hard universalist this one morality would likely be their own.

We must guard against the extreme views that morality is nihilistic or universal. The other day I noticed a bumper sticker on a car advertising the slogan of a local church, which said "Open Hearted, Open Minded." I envision this church to be composed of every race, sex, sexual preference, and handicap known to humans. Regardless, you would be welcome to this church and to some degree you would be right in your views. If we were all "open hearted and open minded" we would ethical relativist or soft universalist and would be able to have more rational dialogue and rational persuasion. There would be a better understanding of the opinions of others.

### **Ethical Egoisms**

Egoism, in general, and psychological egoism in particular, is an empirical thesis (factual statement) that holds that every human action is motivated by a desire to promote one's interest. Everything we do, our eating, playing, living, and working, is for ourselves. We have children and care for them not for their sake but for our sake. A philanthropist may donate money to build a building for a college but she still desires the recognition of her name on the front. Many of us contribute to our church and the United Way because it makes us feel good. We give to the beggar on the street to avoid the guilty feelings we would get if we ignored her.

The capitalistic system is based upon psychological egoism, for we buy according to our person needs. The most successful advertising campaign must appeal to the appropriate market with the incentive for their product. Many of the fast food restaurants no longer use Styrofoam because it has become objectionable to their customers. People

will recycle plastics, metal cans, paper, and aluminum when it will cost more to throw it away.

Ethical Egoism is a normative thesis (or ethical theory) that claims that moral behavior would result if each human action were motivated by a desire to promote one's self-interest. It is hoped that everyone would feed and care for themselves, their family and their neighbor, community and environment. It is in your best interest to care for others and to be moral.

Many of us admit that ethical egoism could play a part in our moral point of views but it may not be for the best. Peter Singer claims that altruistic communities are advantaged over egotistical communities especially when under extreme hardships. Altruistisms are the opposite of egoisms, for the former is concerned with only the good of others rather than the good of oneself. Peter Singer points out that in the Russian prison camps and the Nazi death camps of during WWII, it became a standard that prisoners were willing to risk their own lives for their starving and beaten comrades. Peter Singer held that deplorable living conditions tend to pull the community together and will encourage each to help the other while it will discourage the dog-eat-dog mentality. (10) The stimulus for this altruist behavior works deeper than inhumane living conditions. The stimulus is what I like to call, a "common enemy" which must be fought by everyone if it is to be defeated. The common enemy for the POW's was Germany if not death, and possibly seen by the POW's as one in the same. In the inner city districts and slums of our large cities in the United States, altruistic behavior seems to have reached an all time low. Drug abuse, burglaries, and drive-by shootings were common place. The deplorable conditions seem only to deepen the divisions in the community and segregate comradeship to small pockets of families or neighborhood gangs. What is lacking between the different facets of our society is a common enemy. We will continue to fight among ourselves until we have another Hitler or communism to commonly fear and hate. The "war on terrorism" has united us against a "common enemy."

### **The Utilitarian Tradition**

Utilitarianism, as a moral theory, arose out of the radical writings of the English lawyers and philosophers, Jeremy Bentham (1748-1832) and John Stuart Mill (1800-1873), which served as one of the many sparks that ignited the Age of Enlightenment and the emergence of Europe out of the Dark Ages. Prior to the time of utilitarianism, Europe was deeply divided into its social factions or casts. People were born into a family and inherited their social, religions, economic and political status for their entire life. It was essentially impossible for a person to climb from one social level to another. People did truly inherit their inherent value.

Jeremy Bentham's initial publication, *Introduction to the Principles of Morals and Legislation* (1789) set forth a system for the reform of the legal system into one without prejudices and fair representation for each citizen. More importantly, he clearly saw that legal principles, social morality, and personal morality were inseparable. Any change to be ushered into the legal system must be preceded by changes in the moral

principles. Fundamental to Bentham's utilitarian system would be the maximization of the overall good by producing the greatest good for the greatest number of people. While it was not possible to eradicate the ingrained cast system, it was possible to give each person equal legal and moral standing and a more judicious distribution of resources to all people.

John Stuart Mill was the son of James Stuart Mill, an associate of Bentham, and was raised in a household, which bred understanding of true democracy. Beginning in his youth, John Stuart Mill was one of Bentham's more enthusiastic supporters and students. In time he did provide modifications of the Principles of Utilitarianism, giving it greater inclusiveness and flexibility of application. In his short work, *Utilitarianism* (1863) Mill addressed the declaration that personal morality is based upon happiness, pleasure and personal freedom. As one might expect, J.S. Mill was an avid supporter of the rights of women, women's right to vote, and women's right to hold political office and develop careers outside of the home.

The moral principle that underlies utilitarianism was referred to as the Principle of Utility and, by some, the Principle of Greatest Happiness. It holds that in a given ethical situation the most moral action is that which produces the greatest net utility. Utility, in turn, can be said to be the only intrinsic good, having good in itself. To render the greatest net utility one must identify the nature of utility and then objectively and universally apply it to all people at all times. The specific definition of utility has become the distinguishing feature of the different type of utilitarianism. Preference utilitarianism defines utility as happiness. In hedonistic utilitarianism the utility is described as pleasure or the absence of pain. Many people equate happiness with pleasure because in most situations if we are happy we are also pleased. However, it is possible to find pleasure without happiness. JS Mill envisioned hedonism more than biological pleasures (or happiness) but also as humanistic pleasures. Mill described various pleasures, such as the feeling of completion after a job well done, intellectual achievements, the satisfaction that some feel when they are hungry, the excitement of shaking the hand of a favorite president, and the aesthetics one senses when first seeing a great painting or the beauty of an untrammelled forest.

There are many things that we might consider to be good but only to the extent that they produce pleasure or happiness. These things, such as freedom, education, financial success, fame and health are considered instrumental goods because they are used to attain the intrinsic good. From the perspective of a business or corporation, their immediate goal to provide a product or service, an instrumental good, that will maximize the utility of the public. If the corporation does not do so, then the desirability of the product will be short-lived. The classical case resulted from the opening of the Welland Canal in 1938 during the construction of the St. Lawrence Seaway, which made it possible to transport materials by barge from Detroit to the Atlantic Ocean. This was a definite economic benefit to the power and manufacturing plants along the shores of Lake Erie, Huron and Michigan. In addition to ships and barges, the Welland Canal also permitted the passage of the parasitic sea lamprey that had existed in an ecological

balance with the trout of Lake Ontario. In Lake Erie, Huron and Michigan the trout had no such evolutionary relationship with the lamprey. The resultant decrease in numbers of trout in the three lakes had effects over and beyond a disastrous decline in commercial fishing. As the trout a top predator declined so the alewives, its primary prey, exploded in numbers. Because alewives were worthless as a commercial fish, fisherman would cast them by the thousands to die and rot on the lakeshore. Even today, the commercial fishing market in the Great Lakes is a fraction of the productivity that it had prior to the 1938. (11) The principle of utility has a prominent component of the economic theory of the free market system and out of necessity it has significant implications for economic and environmental policy.

Measuring Utility: The greatest problem with utilitarianism has been to objectively measure net utility. Jeremy Bentham devised a mathematical formula which incorporated several basic parameters of utility: intensity, duration, certainty, remoteness, chance of effecting subsequent utility, and the total number of people affected. In our analysis of a moral action, the utility of every person is to be accounted for; however, the effect on a given person's utility must not override the importance of the whole group.

Measuring Net Utility: According to utilitarianism our moral actions must maximize net utility. Most ethical actions produce multiple effects, which will be pleasing to some people yet painful to others. Consider the following situation, as the teacher of this ethics series I must decide that your exam will be to be either objective with multiple choice questions or rather subjective with essay style questions. By survey, I determine that the objective exam proved to be the best measure of knowledge for ten students and the worst measure for five students. However, the essay exam was best for eight students, worse for four and indifferent for three students. Which method yields the greatest net utility? The objective exam!

Objective Exam produces 10 units of happiness and 5 units of unhappiness  
( $10 - 5 = 5$  net units of happiness)

Essay Exam produces 8 units of happiness and 5 units of unhappiness. The three indifferent views should be excluded. ( $8 - 4 = 4$  units of happiness)

The Intensity of Utility: Not every one shares the same appreciation for something, because pleasure is relative and it ranges from the marginal to the extreme. To accurately measure the net utility, the intensity of each person's pleasures and displeasures must be figured into the equation. If the five students who were unhappy with the objective exam were venomously opposed to it and threatened to drop the course, I may wish to rethink the situation and at least survey the intensity of the opposition to the essay format.

The Subsequent Effects of Utility: The chance of an action having subsequent effects should also be considered. In essence the domino effect arises and one must determine the fruitfulness to each people down the road. In my decision to give the essay exam, I must consider that it is important that all graduates be proficient writers. If the barrier to the four students objecting to the essay exam was their poor writing abilities, I



could reason that it is time for them to sharpen their writing skills or find a remedial writing class instead. In this respect, the essay exam is the more fruitful. Anyone who has suffered acute medical conditions requiring immediate surgery, such as appendicitis knows of the domino effect of utility. The displeasure of the surgery to remove a diseased appendix would be far better than the subsequent effect if you elected to live with the condition, which would likely be but a few days.

The Likelihood of Effects on Utility: It is important to consider the likelihood of a change in utility resulting from an action. I should also consider how many students are ethics majors, how many are engineering or business majors, and how many career goals can be impacted by the grade they receive. If the course is an elective course, and if the grade will have no bearing on career goals, then it doesn't matter which exam is used.

The likelihood and intensity of harmful effects are especially important in the formulation of economic and environmental policies. The likelihood of our hazardous chemical waste affecting our health today is slim but the likelihood dramatically increases in the coming decades.

Question 4: The incident at the Love Canal suburb of Niagara Falls, New York woke up the policy makers to the severity of the problem of our hazardous chemical waste disposal. At each of following steps of the chronology of this historical lesson, identify the culprit guilty of violating utilitarian standards. This apparently changes as facts and the consequences become more certain.

**1892** - William Love begins construction of a canal in the Niagara Fall region for the transmission of hydroelectric power. He, however, goes bankrupt and leaves a partial canal.

**1942** - Hooker Chemical Company acquires the property and obtains federal permits for the disposal of various toxic wastes.

**1948** - Hooker Chemical Company closes and seals the dump with a clay cap.

**Mid 1950's** - the Love Canal area expands its housing development and seeks the title from Hooker Chemical Co. for the land at a sum of \$1. Their immediate intentions were to construct a school and then to further expand residential areas.

**1953-1957** - Hooker Chemical Co. issues warnings of cutting the clay cap.

**1958** - Love Canal constructs roads, homes, and sewer systems.

**1971-1977** - Significant levels of benzene, dioxin, toluene, lindane, PCB's, chloroform, trichloroethylene and heavy metals were detected in the basements of schools.

**1978** - The governor of New York and President Jimmy Carter declared Love Canal a disaster area.

**1982** - The first of 227 houses were demolished.

**Answer:** From this chronology the Hooker Chemical Company could never have known the consequence of their deposition of hazardous chemicals during the 1940's in a site that complied with all federal regulations. However, their guilt, even though not intentional, preceded and made possible the harm to the residence of Love Canal. Although not receiving legal guilt, the city of Love Canal would be morally responsible for its residences.

In 1976 the U.S. Congress passed the Resource Conservation and Recovery Act (RCRA) to regulate and provide guidelines in waste management. As the problem of hazardous materials has grown the RCRA has been amended over a thousand times. Since Love Canal, the hazardous disposal business has grown from \$0.5 billion/year to \$24 billion in 1994, while over 10,000 dump sites have been identified which will require immediate cleanup. As we continue to generate 23 tons of toxic waste per person every year (a total of 6 billion tons/year), we are running out of places to dump it. Some hazardous waste is injected into deep wells, while most is accumulating in the 21 specially designed and monitored commercial hazardous landfills. These land fills are sealed with plastic liners that will prevent leakage. EPA engineers have estimated the maximal life of the landfill liners to be 30 years and many leak some waste to ground water within one year after installation. Currently, 90% of the storage basins for hazardous materials leak. The question is not if but when will hazardous chemicals leak into the environment and appear in our food and water. One, ten, or a hundred generations?

The measurement of total net utility seems to be an impossible and futile task for the following reasons.

1. Often the unit which we wind up measuring is a substitute for utility, the intrinsic good. Despite the objective efforts, happiness and pleasure are highly subjective. What we actually measure will always be more tangible than utility but certainly not utility. Suppose we wish to maximize utility and this we define as good health. We could measure life expectancy, infant mortality, per capital income, the number of hospitals or physicians per household. However, we have not measured health, only substitutes for it.

2. Utilitarianism does not allow me to give more consideration to myself than others. The happiness for me, my family, and my closest friends could not be of greater moral significance than the next guy. This is contrary to common sense and our family oriented social structure. (12)

3. It is impossible to know all of the consequences of an act. Thus you will never know if an act is moral or not. This has become particularly important in reference to environmental dilemmas. A century ago human civilizations only had temporary impacts upon their environment and once the humans moved on it would soon bound back. Since then our numbers and life styles have dramatically changed with wide spread chemical uses, deforestation, losses of old growth forests, extinction or numerous species which are permanent. When the utilitarian determines the ethics of building a new site for a nuclear reactor plant act, she attempts to measure the total net utility. She will begin with the most obvious variable such as the benefit to all of those residences and industries that will have access to the cheaper electricity. She then considers the negative impact of the building of the plant on the local people. She must also consider the impact of local and distant communities due to waste discharges into local streams and accidental leakage of radioactive compounds into the air. She must go beyond the effects on the neighboring county, but the adjacent states, and distant countries. Because of the Endangered Species Act of 1973, 1982, 1989, she must also consider the local habitats for countless species of plants and animals. And how far into the future are we to ponder our effects upon people, and the habitats of animals and plants?

4. Sometimes the ethically correct action is based upon principle and not upon consequences, especially if the consequence can never be known. Since the days of the founding fathers, J.S. Mill and Jeremy Bentham, utilitarianism has been expanded into two basic versions: Act and Rule Utilitarianism. Both forms attempt to maximize the net utility. However, act utilitarianism states that as a moral standard we are to consider the consequences of each and every act. Rule utilitarianism holds that we are to consider the consequences of the moral rule, which applies to the act. (12) Consider, for example, the Golden Rule: Do unto others as you would have them to unto you. Act utilitarianism would hold that every human act should be helpful to every other relevant person as much as we would desire to be helped under the identical situations. The rule utilitarian would agree that this very fine moral principle but it should only apply to those who enjoy pleasure. The exception would be the sadist who purposely harms themselves and the

emotionally distraught individual who attempts suicide. Just because they would prefer pain and death should not be a sanction for them to kill another people. Act utilitarianism stresses the consequences of the practice while rule Unitarianism stresses the consequences of the rule. While both are universalistic only act utilitarianism is absolute.

Despite these shortcomings in applying utilitarianism to ethical dilemmas, the utilitarian insists that it render the most desirable action that is available to human reason. In most cases we may have to consider only a couple of variables to deduct the consequences. In dealing with economic and business issues, the identification of the entire social, political and ecological variables can be extremely difficult if not impossible. Utilitarianism tells us that the more variables that we do identify and factor into our decisions, the better the judgments and choices we can make.

Utilitarianism has become a highly influential moral theory and has many applications in most every facet of our society. It is the basis of Cost-Benefit Analysis where the policy which is the least costly (in money or in time) with the greatest benefit (in money or in time) is preferred. Cost-Benefit analysis has been used to settle most legal punitive cases as well as insurance settlements for loss of life or limb. It has been used quite successfully in evaluating alternative health care system and which is the least costly but most efficient system.

### **Deontological Moral Theories**

Deontology is derived from the word “duty,” which is what we ought to do that is inherently moral. Deontology has been attributed to the philosopher, Immanuel Kant (1724-1804) who through his philosophies contributed to the changes herald during the Age of Enlightenment of Europe. In reference to moral theory, Kant claimed that all rational persons are duty bound to a morality and in this manner the ethics becomes universalized. To fully understand his reasoning we must first understand something of the life and philosophies of Kant.

Immanuel Kant was a German born philosopher who lived, was educated, and worked within a hundred mile radius of Königsberg in east Prussia. While studying at the University of Königsberg, he was strongly influenced by the philosophical trend of the times into human reasoning, metaphysics, and Newtonian physics. After completing his formal education he completed a short interim as a family tutor but then returned to the University as a lecturer, where he remained for nearly fifty years until his death. While at the university he lived a professionally and financially insecure life until, at the age of 44, he was appointed to a chair in philosophy at the university, replacing his previous professor, Martin Knutzen. Even though he never traveled, nor sought political or social ties, he did become especially noted for his "charming and entertaining" lectures. It has been said that for his 7:00 AM lectures, students would arrive one hour early, so to be assured of having a seat.

Immanuel Kant was often pictured by his friends as the old bachelor who lived a meticulously ordered life of teaching and writing. His every activity was precisely conducted by the clock, such that neighbors could set their watches by the time of day that he would walk past their houses. Out of his life he produced an impressive list of famous books such as *Critique of Pure Reason*, 1781 and *Principles of Metaphysics of Ethics*, 1785.

Kant's career in philosophy was centered on the answer of two principle questions. One of which addressed "What is the real?" This question he directly related to another question, "What ought I do?" It is this later question that is directly relevant to deontological moral theories.

Kant reasoned that there were two ways to know "the real," which was through analytic judgments and synthetic judgments. In analytical judgments the concepts are embodied in the judgment. Consider the empirical statement, "All mammals have hair", in which the subject is "all mammals" and the predicate is "have hair." The predicate is already derived, merely by the nature of the subject. (All mammals do have hair). Analytical judgments are said to be *a priori* because they are already true and will continue to be true, whether we should investigate for additional proof and descriptions of special conditions.

Kant reasoned that we can gain additional knowledge through synthetic judgments. In synthetic judgments the predicate is not contained within the subject and adds additional clues beyond analytical judgments. In the statement, "This mammal lays shelled eggs", it is not automatic that if you know something of mammals that you will know this particular animal. The concept of "mammal" does not contain the idea of "laying shelled eggs" and adds additional information. Synthetic judgments differ further from analytical judgments in that they are not *a priori* but *a posteriori* in that they occur after we have studied and experienced a particular event.

The accumulated knowledge that we know as the natural sciences (physics, chemistry and mathematics) and philosophy was reasoned by Kant to be synthetic judgments which we may think that we have learned through our experiences (scientific investigation, applied engineering). Actually, Kant thought that while scientific knowledge was *a posteriori*, the laws of the natural sciences and philosophy are *a priori*. These laws were true even before our experiences disclosed them. Kant reasoned the natural laws and philosophy to be synthetic *a priori* judgments. In this sense, the body of knowledge that makes up the natural sciences and philosophy are alike in that the predicate of each judgment is not contained within the subject, even though there generally is a necessary and universal connection with the subject. To boil it down, consider the empirical statement,

*The force of gravity is a function of the mass of the celestial body.*

This is a synthetic *a priori* judgment and was true even before Newton devised his equation. Whenever we experience an effect of gravity our minds come to an

understanding about gravity which applies to particular and general cases. The same applies to the following moral judgment,

*It is wrong to intentionally tell a lie.*

It has been wrong to tell a lie before human experience found it to be so. This means that morality is *a priori* and the moral principles are universal and can be resolved through reasoning of rules and laws of behavior. We do not need to experience immoral and moral actions to know the difference and to determine our morality.

If we can determine our morality out of reason, then the ability to reason is a requirement to being moral. What is moral for me as a rational being is also moral for all other rational beings. If a particular type of behavior is to be moral, it must be universally accepted by all rational beings. This leads to Kant's test for a morally good act which has been referred to as one of the versions of the categorical imperatives,

*Act only on that maxim whereby thou canst at the same time will that it should become a universal law.*

If you were to act in some immoral way, and if everyone were to do the same, universally, there could not be a moral society. Kant gave the example of the man who asked to borrow some money with a promise of handsomely repaying. This man knowing that he would not repay has violated a maxim that all other people must abide. If it became universal that all people lied about their repayment when borrowing money or matter, no one would be willing to lend.

Because it requires rational abilities to know what is moral and immoral, then only the rational can be moral. Therefore, our rationality is more fundamental than our morality; and it is the basis of our intrinsic worth as a person. Our ability to know the right from the wrong leads us to Kant's second formulation of the categorical imperative,

*Act as to treat humanity, whether in thine own person or in that of any other, in every case as an end withal, never as means only.*

It is moral to treat a rational being as "an end," that is to treat them as the final recipient of things with instrumental value. Alternately, it is immoral to treat a rational being as a means so that they become the instrumental value for another person's ends.

The categorical imperatives set forth by Kant are said to be imperatives because they are commands of our moral obligations or duties. In our daily lives there are many imperatives which command us to act in certain ways. Some of our imperatives are said to be hypothetical because we are obligated to act but only if we so desire the outcome. Suppose we desire to prevent the extinction of the gopher tortoise, an endangered species that use to commonly inhabit the southeast USA, it then becomes imperative to preserve the tortoise's habitat. However, if we desire to utilize the native habitat of the gopher tortoise for human residence and industrial development, its extinction will be certain. Because we are not obligated either way, the imperative is hypothetical.

Our moral obligations are categorically imperative. They are imperative because these principles are those upon which we must act. Our moral obligations are categorical because they are necessarily relevant to all rational people and universally applicable in like situations. By definition, a moral agent is a rational person that is obliged to the

categorical imperatives and compelled to altruistic behavior of other moral agents. Through the personal eyes of Kant, not all people were seen to be equally rational and thus not moral agents of equal credibility. For example, Kant saw superiority of adults over children, the existing over the unborn and male over female. Animals and other non-humans were seen to lack rights all together and possessed instrumental value to rational people. According to Kantian ethics, we are justified in eating animals and using them in research and conducting vivi-sectioning. The same applies to the non-rational humans, i.e. the mentally incompetent, brain dead, and the criminally insane.

Question 5: Utilitarianism bases the morality of an act upon the consequences of the act. In contrast, deontology bases the morality of an act upon the motives or intentions of rational individuals initiating the act.

A. True      B. False

Answer: True.

### **Rights, Duties, and Claims**

Personal rights, as one of the fundamental principles of the free world have taken its origin from the ideals of deontology. When Americans think of their personal rights they think of the Bill of Rights written by Thomas Jefferson which clearly rings of “life, liberty, and the pursuit of happiness.” Since the Jeffersonian era, our rights have come to include the ownership of property. More recently, the rights of Americans have come to include proper health care and education. There is much truth in the ideals of our founding fathers when they defined the elements of "Human Rights" (or more correctly, personal rights). Rights give the human life its basic humanistic qualities. Without rights, human life would be severely jeopardized and rendered largely, inhuman. Joel Fineberg declared that human rights allows one human being to standup and proclaim their equality among all other human beings. Rights allows each of us to see and to feel that in some fundamental way we are equal to everyone else regardless of occupation, social status, state of health, and personal traits (sex, race, etc). Human rights are the moral substance for our liberty or freedom to act, to explore, and to undertake any endeavor that we please. Rights assure us of our freedoms. (14)

Rights can be viewed as a personal opportunity or entitlement to stake a claim against any other person who also bears rights. A bearer of rights needs no other substantiation for their rights other than that they are alive and that they exist. Bertram Bandman (15) outlined three broad conditions, which define personal rights, clarifying the views that have come to characterize the American ideal. According to Bandman,

a) All rights are characterized by freedom. By virtue of being humans, we have a "sphere of individual autonomy" which allows us to act as we see fit as long as we do not infringe upon the rights of others. Likewise, our rights offer us immunity to the charges from other people, claiming wrong doings from our exercise of rights.

b) While rights naturally entail freedom, this freedom must be guaranteed. This guarantee comes collectively as duties from all other rights holders. Joel Fineberg puts it, "rights are the grounds of other people's duties." Without a corresponding and equally representative duty from other people, you have no rights. While rights secure and increase the freedom of one person, duties have an equal decrease in another's freedom.

Many legal philosophers have taken the stand that you, as a rights holder, cannot expect the duty from other people if you never enunciate the infraction. Without an effective "claim", a rights holder cannot cash in on their rights. Without a claim, they are unable to protect themselves against wrong doers, and to alleviate the damages and injuries inculcated by them. This is fine and good for all those who recognize their rights and are able to voice their claims, but many individuals lack the willingness and ability to do so.

In the case of children, idiots and mentally incompetent humans, their rights can be protected through a proxy or guardian. For the cases of the unborn fetus and for the yet conceived individuals of future generations, this reasoning becomes strained. How could the unborn have rights if they lack the ability to stake a claim?

c) There must be a moral institution (a legal or judicial system will do) that can substantiate the guarantee of all rights by right holders. Through the functioning of our moral and/or legal system each right becomes a "rationally defensible principle of justice." The totality of these rights constitutes our ethical system or our morality. This system provides a rational, defensible system for the distribution of benefits and burdens to the citizens of the society. Through this system there must be a means to establish that harm has been delivered and that corresponding benefit can be instilled to alleviate the harm. This condition was said none better than by St. Augustine, that "rights flow from the spring of justice."

In summary, personal rights provide us...a) a freedom, b) a guaranteed freedom, and c) a rational defensible system to substantiate the guaranteed freedom. Rights give you the dignity to declare your personhood and to assert claims against other persons. To respect another person you recognize the dignity of their personhood and their potential as a claims maker. In essence, to respect another person you respect their personal rights.

All of those individuals that can participate in this moral system are frequently considered to be "moral agents." A moral agent is any possessor of personal, moral rights who in turn has responsibilities to honor the claims of other bearers of rights. Thus, moral agents not only have rights but they have moral duties to other people. In this line of thought, a legal agent would have legal rights and legal duties to others. While personal rights can be viewed as a freedom, the corresponding duty cast upon another moral agent would be a limitation to their freedom.

### **Types of Personal Rights**

The rights that can be claimed are as diverse in nature as the needs of the individual right holder and benefits as can be rendered from the duty bound. Rights can be classified into negative and positive. Right holders have the negative opportunity to

not be harmed. Any invasion of your personal sphere such as by sexual harassment is a direct violation of your negative right to not be exposed to the harassment. Each right holder also has many positive opportunities to stake claims for various benefits for no other reason than that they exist. All people have positive rights toward the basic conditions necessary to sustain life: food, shelter, a clean and healthy environment. As economies expand and resources become more available there usually are corresponding expansions of the positive benefits that can be offered to a claimee. During this 20th century the rights to an education has expanded from the basic reading, writing and arithmetic to twelve complete years through the secondary level of education. Today, educational rights include training toward a skill and a vocation. In the last fifty years, health care has expanded from a privilege to a right, although not without heated congressional debates. In time, the insurance for proper health care will be established as a right for all Americans.

Rights can also be categorized as passive and active. Passive rights are one's privilege to be left alone to one's solitude or one's private. It is the apartment dwellers passive right to not hear the loud stereo of the adjoining apartment. It is the corresponding active duty of the neighboring tenant to quiet his stereo once you have made your claim and they recognize your dissatisfaction. As a rights holder, you also have active rights. That is, you have the right to do some things and to change things. It is your active right to purchase your own stereo and drown out the sounds of your neighbor's racket.

Immanuel Kant, the renowned German philosopher that lead our ethical system into the Age of Enlightenment (1724-1804) envisioned two fundamental types of personal rights, which were distinguished base upon the nature of the corresponding duties. Perfect rights are those that are unconditional, inflexible and without latitude. Perfect rights must be countered by perfect duties from moral agents. A creditor to a debt has the perfect right to collect what we owe, just as we have a perfect duty to pay our debts. Imperfect rights are those rights which are conditional. The imperfect rights holder may have the right to voice a claim yet the moral agent is not absolutely obligated to respond to the claim. If the creditor was actually a charitable organization or church, it would have an imperfect right to our donations. Likewise, we would have imperfect duties to contribute.

A more dramatic analogy of an perfect right which may meet with an imperfect duty would be the swimmer caught in an undertow while swimming at the beach. As the swimmer struggles, becomes more exhausted, and is threatened by drowning, they have the perfect right to life but only as far as their cries are in ear-shot of a moral agent. The rescuer has only an imperfect duty to the drowning victim, given that the rescuer can themselves swim or they are willing to jeopardize their own life in the undertow.

Personal rights can be classified according to whom they are directed as either *in personam* or *in rem*. (2) In personam rights are directed against a specific or determinant debtor, as a moral agent. A creditor has an *in personam* right while the debtor has an *in personam* duty to the creditor, whether or not the involved moral agents are single persons or groups of persons, i.e., corporations. In rem rights are not directed against a



specific party but against the "world at large." The relationship of rights and duties between the drowning victim and whoever could serve as their rescuer is clearly *in rem*.

What are the qualifications of a rights holder? There are many individuals in whom we, as moral and legal agents recognize their rights; yet we in turn expect no return of duties. Such an individual is referred to as a moral patient and typically includes those individuals lacking a completely rational mind. While moral patients are exempt from their moral duties, they still qualify as recipients of our duties and, thus, they have rights.

Children, the mentally ill, mentally challenged, and all incompetent individuals have interest in that they can be harmed and benefited. As human beings, by the nature of their mere existence, they are deserving of the same rights as a moral agent: life, liberty and the pursuit of happiness. As moral patients they are deserving of the duties from moral agents, yet they must be represented by agents, proxies, or guardians that know of their interests.

### **Rights of Non-traditional entities: things of beauty, animals, the unborn.**

It seems awkward to speak of the rights of inanimate objects, yet we certainly exercise our duties to them. For objects such as a building or a wilderness that we find to be a thing of beauty, to be precious to us and something that ought to be cared for; we resist the assignment of rights. There may be a correlation between the rights and duties between moral agents, however, no such correlation exist between the Sistine Chapel or the Yellowstone National Park and our custodial duties to them. We may sense the duty to preserve the wilderness of the Yellowstone Park but not for the sake of the park. It is preserved for the sake of national pride and the naturalist that seeks its majestic beauties. Our duties are not to the Yellowstone National Park; rather our duties are in the interest of the Park and to the people who wish to preserve its beauty.

Animals and especially our pets may certainly cross some moral delineation. There is much debate as to their possession of rights. H.J. McCloskey rejects that animals, other than humans, can have rights. As mentioned above, for a being to have rights and thus be the recipient of duties, they must be able to be harmed or benefited. Harm and benefit determines if one has interests. McCloskey felt that animals lacked interest, thus they could not be representative of our duties nor could they have rights. (16) This view hinges upon whether or not animals have interest and can be benefited or harmed.

We very much have legal duties in regard to animals, yet we do not have duties to animals. In our prohibition against the cruelty to animals, the mistreated dog may be the object of our concern but it is the feelings of human beings that are involved in the final recipient of our duties. (17) While we may be heartbroken over the killing of our pet dog that strayed into the wrong yard, we are emotionless to the death and slaughter of a chicken or pig that provides our dinner table. The difference is not the injustice to the dog, or pig, it is the injustice to our sympathies which has moral significance. From our current morality, animals, pet or not, do not have a "good of their own." The moral good of a pet lies in the feelings of their owner.

Joel Fineberg (1) enunciated the prerequisite for rights in an organism.

- (a) Before a rights holder can be represented and be the recipient of a moral duty, they must have interest. Furthermore, the rights holder must
- (b) be able to serve as a beneficiary in her own right.

If the rights holder's interest is deprived, then it must matter to the rights holder to have them reinstated. Most people agree that animals can be healthy and happy or diseased, maimed. Thus, animals can be benefited or harmed and they do have interests. It is further reasoned that because animals cannot express their interests they cannot be the beneficiaries of duties direct in their behalf. Only the owners of a pet serve as beneficiaries for their pet. The domestic animal raised solely for its meat, has only the farmer as its beneficiary, and the wild animals has no beneficiary at all.

The human fetus different from the animal is one step closer to serving as a rights holder, however, it is still not a traditional bearer of rights. The pro-life argument holds that the fetus has every quality that any other human being has. From the very beginning of the last trimester the human fetus exhibits responses to pain. However, pain cannot be the defining criterion because the conscious animals that we eat also feel pain. Our current morality equates the rights of an animal and the human fetus, in that both lack interests on the grounds that they cannot serve as a beneficiary in their own right, but require a proxy to petition their claims.

The pro-life argument points out one clear difference between a fetus and an animal is that the fetus is human and has a clear potentiality that is not possessed by non-human animals. The potentiality of the unborn fetus provides the foundation for "consideration in respect of the apparent expectation of its birth." (18) The counter argument by Mary Warren (19) claims that the human embryo is not a rights holder not only because it lacks interest but because it is not a person. She reasons that existing people are actualities while the embryo is merely a potentiality. A fetus may or may not be born. Furthermore, Warren reasoned that actuality is a far weightier moral criterion than are potentialities. She holds that the personal rights granted to a fetus should be less substantive than that given to an existing person.

One may bequeath property and money to an unborn child, contingent upon their birth. But if they should die *in utero* or maybe never be conceived biologically, there is no beneficiary. Legal actions have been taken to protect the rights of an unborn child. As early as 1966, a New York hospital warned that a third-trimester fetus might die if the mother did not receive her blood transfusion to protect against Rh disease. After refusing the blood transfusion based upon religious beliefs, the state courts ordered the mother to receive them on the grounds that "the unborn child is entitled to receive them". (20)

In like manner, the potentiality of the people of unborn generations, decades and centuries into the future, is just as uncertain as the unborn fetus that lies *in utero* today. The imperfect and *in rem* rights of future generations are of grave importance in how we operate our corporations and how we impact the environment. Our moral obligations to future generations breach the boundary to non-traditional theories of moral philosophy.

However, it is important to remember that as professional decision makers, your gravest decisions will impact present and future people. How long into the future that your decisions impact can be told only by future people.

### **Question 6: A Case Study: Pintos Aren't Just Beans**

At the beginning of the 1960's, the Ford Motor Company was facing great competition from foreign automobile manufacturers. The Japanese companies, Toyota and Datsun, were importing fuel-efficient, low-cost automobiles. Every year the Japanese companies were capturing larger portions of the U.S. automobile retail market and profits of American auto manufactures were spiraling downward. The president of Ford at that time was Lee Iaccoca, who was desperately in need of a new model car that could be quickly and cheaply manufactured. The "Pinto" was the result. It was small, weighing only 2000 lbs.; it was cheap, costing less than \$2000 to make; and it was quick, going from design to market in only two years. Because most automobile designs require four years to materialize for the public, the pinto was truly a rush job. The styling of the Pinto required that the fuel tank be placed behind the rear axle. This placement made the fuel tank more susceptible to puncturing in a rear-end collision, spilling of fuel into the passenger space, and greater likelihood of related fires following accidents. During early crash testing of the Pinto, Ford determined that in rear-end collisions below a 20 mph impact speed the gas tank would sometimes rupture.

Based upon three general criteria, Ford engineers decided to proceed with the manufacture of the Pinto.

- 1) Engineers and executives of Ford considered the Pinto to be as safe as the competitor's compact cars.
- 2) Federal regulations required that the fuel tank remain in tact in collisions less than 20 mph. Early crash tests proved that the Pinto would pass the test most of time.
- 3) A cost-benefit analysis realized the following:
  - A) Fuel tank modification would cost \$ 11 per vehicle.
  - B) The total of 12.5 million Pintos were manufactured
  - C) Statistically, the modifications to the Pinto design would prevent 180 burn deaths, 180 serious injuries, and a loss of 2100 burned automobiles.
  - D) Based upon insurance and legal settlements, the value of a human life in the 1960's was \$200,000.
  - E) Based upon health insurance records and medical costs the value to a serious burn was one-third the value of the life, or \$66,666,67.
  - F) The average value of a used Pinto, as well as other compact cars, was \$700 in 1964.

Based upon this data would it be ethical to manufacture and sell the Pinto to the American public? Your answer should take two approaches: Utilitarian with cost-benefit analysis and deontological.

**Answer:** From a utilitarian perspective the Ford Motor Company should proceed with the manufacture of the Pinto. The cost benefit analysis from the above information indicates that for the company it was more expensive to alter the fuel tank design. The cost to move the fuel tank would cost the company \$1,375 million dollars. Alternately, the cost to provide compensation for loss of life (\$36 million), injury (\$12 million) and loss of used Pintos (\$1.47 million) totaled to only \$49.47 million. Beyond the cost benefit analysis to the company Americans were provided an inexpensive means of transportation while providing jobs at home. The households of four million U.S. families were provided income in the manufacture of the Pinto and its parts. From a Utilitarian perspective, the benefit to the entire U.S. population exceeded the harm delivered to the victims of rear-end collisions into a Pinto.

From a deontological perspective, the rights of any one rational human being exceed the benefit to the Ford Motor Company or the American population. For Ford to intentional manufacture an automobile that will jeopardize the rights and lives of a human, is unethical.

In final conclusion, ethics has a gray area. You can draw one conclusion using utilitarian theory and another using deontological theory. The moral basis behind natural law, the divine command theory and ethical relativism further widens this gray area. Even within this gray area, you should be able to derive your own personal moral philosophy. You should know why you think a particular action is right or wrong. More important, in discussion with other people or colleagues you should be able to understand how and why they derive their ethical conclusions. You will find everyone to be different but you will be able to see them eye to eye.

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