

issues with those who disagree. Next, it is important to think through difficult issues in a calm frame of mind, with a good understanding of the facts involved. In the next few chapters, we will give you concrete guidance about the kinds of considerations that will help you to become reflective moral decision-makers.

► Study Questions for Chapter Two

1. List five key mistakes in moral reasoning.
2. Why is self-interest a problematic moral decision-making strategy?
3. Why might someone object to religion as a moral decision-making strategy?
4. What is Cultural Relativism? Why might someone call it a problematic moral decision-making strategy?
5. What are the three features of good moral reasoning?
6. Describe some effective strategies for communicating about values.

CHAPTER 3

Moral Perspectives I

Consequences, Respect, Character

We have seen some of the ways that moral reasoning can fail and some of the ways that moral communication can be ineffective. Now we will focus on different moral strategies that are effective both for thinking about your own ethical concerns and for living and leading effectively and with integrity. We begin with our description of the characteristics that people with integrity share. In the next two chapters we will show what is involved in each of these characteristics and provide guidance about how to develop and implement them in yourself.

Characteristics of People with Integrity

Awareness

- of one's own values
- of the values of others

Ability to communicate

- one's own values
- using common values

Ability to assess short- and long-term consequences

Respect for others

Care for others and an ability to foster relationships

Virtues, e.g.:

- Courage
- Honesty
- Humility

Fairness**Understanding of Professional Ethics**

It should come as no surprise that this work will draw heavily on philosophy to explain all these characteristics. After all, philosophers have been thinking about basic questions of integrity for over 2,000 years. We have already talked about how to develop awareness of one's own values and the values of others, as well as how to communicate about values. Now we turn to the next characteristic: the ability to assess short- and long-term consequences. The idea that assessing consequences plays a key role in making moral decisions is the foundation of a moral theory that philosophers call Consequentialism. The most famous version of Consequentialism is Utilitarianism. In the next section we will discuss Utilitarianism in some detail.

Utilitarianism: Assessing Short- and Long-Term Consequences

We often make decisions by assessing the short- and long-term consequences of various options, but we do this fairly unsystematically. We all know how to brainstorm and how to gather information, and we all have some decision strategies based on these two competencies. There is even a special branch of philosophy and social science called decision theory. We think individuals can benefit greatly by making their decision making more systematic, especially when setting a standard for others to follow. Utilitarianism is the philosophy that is based on a common argument form—one involving consequences. Here is a typical format for such an argument:

1. We have a serious problem.
2. There are these options: A, B, C.

3. The consequences of doing A are bad.
4. The consequences of doing B are bad.
5. The consequences of doing C are good.

Therefore, we should do C.

▶ Exercise 3.1

Come up with your own argument based on consequences using the format described above. It might be helpful to write about a fairly simple problem that has only a few well-defined solutions.

Act Utilitarianism

Utilitarianism builds on the simple intuition that doing the right thing involves thinking about all the possible consequences of our actions and picking the alternative that has the most good and the fewest bad consequences. Here is our definition of one simple version of Utilitarianism, Act Utilitarianism: *One ought to do the action that will create more social utility than any alternative possible action.*

There are a number of terms in this definition that need elaboration. Let's start with "social utility." For now, "utility" will just mean good or bad consequences. Later we will be more precise. "Social utility" is the overall balance of negative and positive utility, over the long term, for all concerned. There are three parts of this definition. First, we do not count just the bad consequences or just the good consequences. Our choices are seldom between doing something with only good or bad consequences. Most of our choices involve some pros and some cons. To come up with a measure of social utility, we add up all the good and bad consequences and subtract the bad consequences from the good. What is left is on its way to being social utility.

The second part of the definition of social utility is that it must be measured not just in the short term, but over the long term. It is sometimes difficult to decide how far into the future we should go in determining the likely consequences. If you are trying to decide whether you

will help a sick friend or visit your lonely aunt, you needn't imagine how your actions will affect future generations. In this case, you need only figure out how it will affect things over the course of the next few days. If you were deciding whether to vote for a nuclear waste dump in your state, you would need to think about future generations, because the effect on them would be considerable.

The final factor we need to stress is that social utility is the measure of utility for all concerned. This is what distinguishes Utilitarianism from self-interest. When we are making a self-interested decision, we need only consider the consequences to ourselves. When we are measuring social utility, we must consider all the people who would be affected by our different options. Again, we needn't consider every person who is remotely affected, but we should not be too hasty in deciding to limit our investigation into the effects of our various options.

Here's how Act Utilitarianism works. Suppose you have promised your daughter that you will take her to the mall to get a second set of holes pierced in her ears. On the day you are scheduled to go, an old friend calls to say he is unexpectedly in town and would like to see you. Act Utilitarianism says that one should do the act that will create the greatest amount of social utility. It appears that you have three obvious alternatives. You can either meet your friend, take your daughter to the mall, or get your friend to go to the mall with you and your daughter.

You must now consider your options. What you want to know, if you are a conscientious Utilitarian, is what good and bad consequences will follow from each option. If you just take your daughter to the mall, you will miss your friend. This will be bad for you and your friend, but good for you and your daughter. If you just spend the time with your friend, this will be good for you and your friend, but bad for your daughter. If you can get your friend to meet you and your daughter at the mall, you will be happy to see your friend, and your daughter will get to spend time with you and get her ears pierced, which is something that she wants. Act Utilitarianism says that you should count up all the pluses and minuses for all the people concerned and do what will create the best consequences overall, so this looks like the best solution from an Act Utilitarian point of view, even though both your daughter and your friend might

prefer to spend time alone with you. In a nutshell then, here is how you decide if you are using Act Utilitarianism.

► Decision Procedure

1. List all concerned.
2. Consider all alternatives.
3. Calculate the overall utility of each alternative for all concerned.

It's now time to go back and clear up some confusion and create some more. The first thing we need to do is discuss the concept of utility. We started out by defining it as good or bad consequences. We now need to get more precise. It turns out that people have very different ideas about what would be a good consequence or a bad consequence. It depends on what they value. "Utility" is a placeholder. You have to decide what to put in its place.

Utility. Over the years, Utilitarians have offered different definitions of utility. Jeremy Bentham,¹ the first systematic Utilitarian, defined it as pleasure and the absence of pain. John Stuart Mill,² another famous Utilitarian, objected to this definition because it counted all kinds of pleasure equally. Suppose, for example, that you had \$100 to give away and you wanted to give a prize using Utilitarian considerations. Suppose further that there were just two candidates for the prize. The first said that she would throw a party for her friends and that they would all have a great time. You know her friends, and you believe that she would indeed give pleasure to many. The second says that she would spend it to buy more calligraphy paper so that she could finish a project she is working on. She is pretty low key and says that though her work is very important to her, she doesn't anticipate getting a whole lot of pleasure. Typically, she frets a great deal about her work and often destroys it because it was not up to her standards. If pleasure is the measure of utility, who should get the money? It looks like we throw a party. Bentham might well agree with this decision. After all, he said that a game of darts was just as good as poetry.

Mill would not be satisfied with this response. His solution was to distinguish between what he called higher and lower pleasure. Higher pleasure involves the use of our higher faculties like our intellect and our imagination. Run-of-the-mill partying creates only lower pleasure, but creating a work of art is capable of creating higher pleasure in both the artist and the audience. Mill even goes so far as to say that most humans would choose to be "Socrates dissatisfied" than a "pig satisfied," implying that we would realize the lack of value of sating only lower pleasures.

There is an additional problem with using pleasure as the measure of utility. The original argument for using pleasure as the standard of right and wrong was that all people value pleasure above all else. But this may not be the case. We often sacrifice pleasure in pursuit of other goals. Bentham's response was to distinguish between different characteristics of pleasure—intensity, duration, certainty, fecundity (the ability to generate future pleasure), and purity (not being mixed up with pain). He would say that we rationally forgo present pleasure in the interests of future greater pleasure. But not everyone agrees with Bentham about this. People like Aristotle and J.S. Mill think that humans care (or should care) about more than pleasure. They describe this "something more" as happiness. We now turn to happiness as a measure of utility.

Happiness involves a higher-level mental state than pleasure. It involves feeling pleasure (and pain), but more importantly it involves making judgments about our pleasures in the context of our life plan. Aristotle said that no one could judge whether they were happy until they were on their deathbed. What he meant was that happiness is the recognition that we have achieved our important goals and lived the kind of life we now wished we had lived. If we had to wait till our deathbed, happiness would be a poor choice for a measure of utility, but we can understand happiness as the satisfaction we gain from recognizing that we are achieving our important goals.

It is hard to measure mental states like pleasure and happiness, and for this reason some Utilitarians have argued for more concrete measures of utility. Fans of the original *Star Trek* and the movies it spawned will recall that Spock could use the "Vulcan mind-meld." In this way he could very accurately measure and compare the pleasure and happiness of others.

This is another way in which he was the perfect Utilitarian. Some other measures are well-being, preferences, and a mixed bag of measures. The advantage of well-being is that we can come up with more or less objective standards for well-being. The disadvantage is that people will contest each other's standards. The advantage of using preferences is that we can simply ask what people would prefer. This makes it fairly easy to crunch the numbers when we have a complex decision with many variables and lots of people affected. The disadvantage is that people don't always understand what they want. Even when they do understand what they want, what they want is not always seen by others as conducive to their well-being. Finally, you could measure a mix of things that you think are good.

The bottom line here is that you have to decide what you think is the best measure of utility, and, when you are communicating with others about values, you have to listen carefully to see what others are identifying as the good to be promoted. If you disagree with them about what good is worth promoting, you must be ready to explain why you think your measure of utility is better.

Another related issue is who should be counted. When making our utility calculations, we could count all humans; some humans; humans and animals; humans, animals, and the biosphere; or some other combination. There are good arguments for all these choices, but here again, you do have to choose, and you have to think about why your choice seems like the best one. Notice that this choice is related to the earlier one. If you think pleasure is the utility worth maximizing, then you will need to consider all creatures that can feel pleasure and pain (sentient creatures). If you think happiness is better, you will be hard pressed to include animals with a less complex mental life than humans.

Some Problems for Utilitarians. We have seen that Utilitarians have different views about what should count as utility and who should be counted. In addition to these differences, there are special problems that Utilitarians have to solve.

The first problem involves measuring utility. How do we measure how our actions will affect persons in the future? This is a problem shared by everyone who has to plan for the future, and there are many ways of

doing it. They include looking to the past, looking to similar situations elsewhere, and creating models for predicting outcomes. None of these are perfect, and for those who think that the dictates of morality must always be crystal clear, this counts as an objection to Utilitarianism. Utilitarians would reply, however, that this is not a perfect world, that we are not perfect beings, and that under the circumstances, Utilitarianism is as good as it gets.

There is another problem for Utilitarians. Do we measure the total utility or the average utility? Total utility is the amount of utility we have when we add up the utility of each person. Average utility is the utility we have when we average the amount of utility among persons. This may seem to be just a theoretical problem, but it becomes very real when we look at issues like immigration. Let's take the example of California. Critics of immigration say that when there are more people in the state (regardless of where they are from), everyone suffers from a lower quality of life than was available before the population increased. Defenders of immigration say that there is more utility because more people get to share in the dream.

There are other practical problems for Utilitarians. What do we do when we are in a hurry? How do we teach our children? One solution is to rely on rules of thumb in both of these cases. The rules of thumb come from our past experience in similar situations.

There is one more problem that critics of Utilitarianism have suggested, and that is that Utilitarianism can be unfair. What if the action that maximizes utility results in inequality or unfairness? We've all experienced this kind of unfairness. Teachers punish the whole class because this is the most effective way to control the class. Someone is sent to jail for life for stealing vitamins because "three strikes" laws are thought to decrease the crime rate. Utilitarians have responded in three ways. One is to endorse such inequality if it maximizes utility. The second is to point out that when we calculate utility over the long term, much of the most egregious inequality is indefensible. People just get too angry if they are treated unequally for too long. Finally, some have responded by coming up with a version of Utilitarianism called Rule Utilitarianism.³ We will

turn to this in a moment. First, let's take one last look at the decision procedure for Act Utilitarianism.

► Decision Procedure

1. Describe morally relevant features of the case.
2. List all options.
3. List all concerned.
4. Calculate utility for each option for all concerned.

► Exercise 3.2

Describe a moral problem that you have faced. Apply the Act Utilitarian decision procedure. What did this procedure tell you to do? Now, find a partner and use this procedure to defend the action you actually took. In your interaction, keep in mind all the strategies for effective communication about values.

Rule Utilitarianism

According to Rule Utilitarianism, one should *do the action that is in accord with the rule that would, if generally followed, create more social utility than any alternative rule.*

Let's go back and see how this method would work. Consider the trip to the mall with your daughter versus a visit with your friend. Rule Utilitarianism says that we should not make decisions on a case-by-case basis. Instead, we should consider which rules would create the most utility overall. What rules might we appeal to in this case? This is really a difficult question, and it requires that we first say a few things about what a moral rule is. A moral rule is in the form of an imperative, a "should" statement. It is designed to guide us about what to do. In order to provide guidance, a rule must be general enough to provide guidance in similar cases, but specific enough to tell us what to do. In the case described above, we don't want a rule like "Be nice" because it is too general to help

us. Neither do we want a rule like “Always consider the needs of your daughter first.” This rule would not apply to our sons, our parents, a spouse, and so on. A less specific rule might be “Always consider your family first.”

Rule Utilitarianism tells us to consider the utility of alternative rules, so now we must think of alternatives. How about “Do not give your family priority over other persons in making decisions.” There are lots of interesting questions that come up as we consider these two alternatives. If we always consider our families first, aren’t we in danger of providing for a whim of a family member instead of the pressing need of someone else? Considerations like this suggest ways in which we might amend our rules to make sure they maximize utility. We might end up with a rule something like this: “Always consider the important needs of your family first.” Utilitarians defend rules like this by saying that they do maximize utility; when people can depend on their families, everyone is better off overall.

Many people would dispute this, but suppose you agree. If you are a Rule Utilitarian, you would then follow this rule. Even when two people follow the same rule, there is room for disagreement. Some people would think that always giving in to our children’s desires is not good for them in the long run. How do we decide? We might just see whether it would create more utility in this case to give in to the daughter. But then, Rule Utilitarianism looks just like Act Utilitarianism, doesn’t it? This is a criticism that has been lodged against Rule Utilitarianism, and it’s tricky to refute.⁴

In any case, even if you think that Rule Utilitarianism reduces to Act Utilitarianism, there are many cases when we are really looking for a rule. When we are making laws and policies, and when we know our decision will create a precedent, we need to consider the utility of rules. Now there are many moral perspectives to choose from in considering rules, and utility is just one way to think about rules. Later, we’ll see other ways to think about rules. In any case, Rule Utilitarianism is in agreement with Act Utilitarianism in saying that we should only consider consequences and measure utility when we make moral decisions, including decisions about what the moral rules should be. Here, then, is the decision procedure for Rule Utilitarianism.

► Decision Procedure

1. List possible rules.
 2. Consider the consequences of adopting each rule.
 3. Select the rule with the most utility.
 4. Apply the rule.
 5. Describe the actions that would conform to the acceptable rule(s).
-

► Exercise 3.3

Go back to the situation you described in Exercise 3.2. Now apply Rule Utilitarianism. What is the outcome? Did you have a different outcome when you used Rule Utilitarianism? Now find a small group and defend your action using Rule Utilitarianism. As you do this, keep practicing effective communication about values.

Respect for Others: Kant

Think about someone whom you consider a person of great integrity and an effective leader. Now think about someone who is a bad leader. We would guess that a key characteristic of the effective leader is that s/he treats people with respect. This notion of respect is central to integrity and leadership, and it is also interestingly complex. Just how do we treat people with respect? We can begin to answer this question by looking at two traditions in philosophy: Kantianism and the moral rights tradition.

Immanuel Kant was a late eighteenth-century philosopher who described ethics in terms of two central and related notions: right intentions and respect for persons.⁵ To explore the first idea, let’s start with an example. Suppose Maria goes out of town and does not leave her sprinkler system on during a long, hot, dry spell. She has four neighbors who all pitch in to water the lawn: Carlotta, Mei, Josh, and Bart. Carlotta, Mei, and Bart assume Maria forgot to set the sprinkler system to automatic. We’ll return to Josh. Carlotta decides to water Maria’s lawn because she is concerned about how a brown lawn will affect the sale of her nearby house. Mei waters the lawn because she is genuinely fond of Maria. Bart

doesn't like Maria but he decides that watering the lawn would be the right thing to do. Josh has some inside information: He overheard Maria talking to a landscaper and knows that she left the lawn unwatered to kill it so that she could put in some new drought-resistant plants. He decides to water the lawn because he thinks it would be fun to undermine her plans and because he knows that he can get away with it by pretending that he did it to be neighborly.

What do we say about these neighbors? First, notice that they all did the same thing—they watered the lawn. I think we would all agree that Josh is simply malicious. Carlotta is merely self-interested; Mei is acting out of affection for Maria; and Bart is watering the lawn because he thinks it is his duty. Kant describes Bart as the only person who deserves moral praise for his action.

The moral of this story is twofold. First, morality is not simply a matter of our actions, regardless of their intentions. In this case, the consequences of watering Maria's lawn were negative, but we don't blame those who had no reason to think that the consequences wouldn't be good. Second, morality seems to be fundamentally concerned with intentions. Kant captures both of these insights in his first formulation of what he calls the Categorical Imperative: "Act only according to that maxim by which you can at the same time will that it would become a universal law."⁶

"Maxim" is a complicated notion, but for our purposes, we can understand a maxim as a moral principle. So we can say that Kant thinks that we should be basing our actions on moral principles, and not solely on the consequences that we think we can produce. Our duty then is to act on the basis of the right intention—the intention to follow the right kind of moral principle. How do we decide what the right kind of principle is? The right kind of maxim is the one that we think all rational persons would accept as universal. Here we can appeal to two ideas—reversibility and universality. Universality means that I recognize moral principles as applying to all human beings. Reversibility means that I accept a principle even as it applies to me.

Let's now return to the lawn example. The basic moral principle here might be "help others." We would probably want to add a qualification such as "as long as doing so does not harm yourself or others unduly." Is

this principle universal? That is, does it apply to all persons? It would seem so. Presumably we would want everyone to help others, just as we would want everyone to be helped when they need it. Is it reversible? In other words, would I accept it if it applied to me? Again, it seems to pass the test. I would want to be helped, and thus I should accept the duty to help others.

The question that seems to arise here is: Why should I accept that I have duties to others? Here Kant offers his second version of the Categorical Imperative,⁷ which says, "Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only."⁸ There are two parts of this imperative. The first is the minimal one—don't use people. The second is a bit more complex—treat persons as ends in themselves. We're going to cash this out in terms of seeing persons as moral equals. We begin with the injunction against using people.

It is pretty easy to understand the idea of using people. Let's look at another example. Jack is notorious for being unable to keep administrative assistants. He is not good about keeping track of their names, but it doesn't really matter because he refers to all of them as "my girl." He is totally indifferent to how many hours they work, or whether their work affects their health or their personal life. We all know people like Jack, who seem to think that the people around them are just there for their benefit. They are nice only when it will get them somewhere and perfectly willing to betray their grandmothers if they think it will get them what they want. Most of us are not at all like this, but almost all of us have a little bit of Jack in us. Perhaps it is just certain people who we treat this way, or perhaps we are only like this when we are stressed or preoccupied. We can see what is wrong with this behavior. It hurts the people we interact with, and it closes us off to a more involved relationship with them.

Of course, we can't always be involved with everyone we meet. In our busy lives, we sometimes need to have short interactions. We can still do this without treating people as if they existed just to serve us. It begins with thinking about people differently. We try to look at people and imagine the story of their lives. Who are they? What do they think

about? Why are they smiling or frowning? You can cultivate this awareness of others during your ordinary routines—as you ride the train in to work or ride the elevator to your floor. In your less-casual relationships, you can do much more. You can ask people what is going on with them and listen attentively to their answers. The awareness of people as having their own stories can affect your interactions with people as they recognize that your interest is genuine. Even your briefest encounters can start with a greeting or eye contact.

The idea of treating people as moral equals is a bit more complex. First of all, it doesn't mean treating people as though they were equal in every way. People have different abilities, different roles, and different histories that make us think they are more or less deserving of respect. So treating people as moral equals does not mean that the VP has to give up her office and share the cubicles with the rest of the staff.

Equality is one of those words with many different meanings, and moral equality is just one of them. We try to describe it this way. Think about why you think you are a valuable person and are entitled to be treated with some degree of respect. Is it because you are the VP? Suppose you are laid off. It is okay for a person to steal from you now or run you over with their car? "Of course not," you say. Well, why not? Maybe it's because of your lovely brown hair, or your nice manners, or the fact that you drive an expensive foreign car. Now, imagine taking these things away. Is it okay to treat you badly now? Eventually, we come down to some things about ourselves that really do seem to explain why we think we should not be treated badly.

Most philosophers who agree with Kant point to our capacity to reason about things. Human beings can think in much more complex ways than other creatures on the planet. In addition to being able to do fairly complex thinking, they are reflective. This means that they are able to think about their own thinking. They also care about how it all comes out. Here's an example. Sam is thinking about a crossword puzzle. He begins to think about the general strategy he is using, and then he realizes that he wants to improve his strategy because he wants to be the kind of person who can do crossword puzzles really well. He has been thinking about his own thinking: That is self-reflection.

Another capacity humans have is that we have an understanding of morality and an ability to reflect on what is right and wrong. Now some people love their dogs and think they are really wonderful. But they may worry that they have not paid enough attention to their dogs. They may resolve to groom them more frequently or to have that canine dental work done that they have been putting off. Or they may resolve to be a better companion to their dogs. The dogs, however, do not think about what their obligations are to their owners or about whether they should rethink them. Unlike dogs, people are capable of thinking about their moral obligations.

Humans also have complex emotions. We can love and hate, or laugh and cry, in ways that no other creatures on earth can. This is another reason why we might think of ourselves as deserving of basic respect.

In short, then, respect seems to be our due because of our humanity. As soon as we notice this, we realize that everyone who shares in humanity is equally entitled to this basic respect. This is the idea of moral equality: the idea that we are equally entitled to basic respect because we are all humans.

Now some people are not too happy with this whole concept of respect because they worry that animals and other creatures get left out of it. They have responded in two ways. Sometimes they point out that other animals have the same capacities as humans to think and feel, although these capacities are not as well developed. The other response has been to say that we have become so fond of our own species that we invented an ethic that just applies to us. We think the best response is to acknowledge that respect really does apply best to human-to-human interaction, though respect is not the only moral idea. Some of the other moral ideas we discuss are much better for dealing with animals.

Back to Jack. We don't expect everyone to become more respectful. For some people, the best strategy is to work around them and try not to promote them to places where they can do real harm. So Jack is probably not going to begin to treat other people as moral equals. However, we could point out to Jack (and to those in a position to influence him) that the people who work with and for Jack are feeling demoralized and undervalued. He might be persuaded to change his style of interaction. Luck-

ily, there aren't too many people like Jack out there. But the important point to note here is that the rest of us can learn from the story about Jack and begin to rethink our own attitudes and behaviors.

► Decision Procedure 1: The Universality Test

1. Describe morally relevant features of the case.
2. Look for possible principles to govern actions in the case.
3. Ask if the principles are categorical or defensible in terms of the Categorical Imperative.
4. Apply principles that meet the test.

► Decision Procedure 2: The Respect Test

1. How are persons being treated?
2. Is this treatment consistent with not using people as mere means?
3. Is this treatment consistent with treating them as moral equals?
4. What treatment would be consistent with not using people and treating them as moral equals?

► Exercise 3.4

Look again at the situation you described in Exercise 3.2 and apply a Kantian perspective. What is the outcome? Does it differ from the one you got when you used Utilitarianism? Use it to defend your decision.

Often, we end up coming to the same decision no matter what approach we take. Sometimes, though, Kant's approach and Utilitarianism would lead to different decisions. It makes sense that there could be a conflict between respecting persons and using consequences to make a decision. We might like to think that we will almost always end up with good long-term consequences when we treat persons with respect, but this won't always be the case. When such a conflict occurs, we must choose what to focus on in the situation at hand. We have to try to strike a balance in the situation.

We leave it to you to decide how to do this. Whatever balance you strike for yourself, you have to be able to communicate effectively with people who would strike a different balance. So even if you think you can make every decision by just focusing on the consequences for all concerned, keep in mind that you will be interacting with people who might not agree with you. Perhaps they will want to focus more on respecting persons, even if doing so does not have obvious good consequences.

Respect for Others: Moral Rights

A contemporary and influential way to talk about respecting persons is the moral rights tradition. Kant was one of the fathers of this tradition. "Moral rights" is often used synonymously with "human rights." They both indicate entitlements that are connected with our status as rational creatures. "Civil rights" are often used to refer to moral rights too, but that term is a bit misleading because it also indicates rights that are bestowed in virtue of our civil (legal) systems. The moral rights tradition is particularly strong in the United States, and it is enthroned in two of our most important political documents, the Declaration of Independence and the Constitution. It is also a common moral appeal internationally, as in the Universal Declaration of Human Rights. Whenever there is a heated debate about a social or political issue in the United States or internationally, you can bet that people on all sides of the debate will claim that they have rights at stake.

Since this tradition is so much a part of our political and moral heritage and because rights are invoked so frequently, it is important to get clear about what a moral right is. Different defenders of moral rights have come up with varying analyses of what a moral right is. In what follows, we offer our own interpretation, drawing on the great body of work done by philosophers on this subject.

Features of Moral Rights

We need to get clear about what moral rights are, and also about what they are not. First, *they are not legal rights*. When we say that people have

a legal right, we mean that their legal institutions protect them in having or using something. So we might say that in the United States all citizens who are not convicted felons have a right to vote. This means that if citizens want to vote, no one can prevent them from registering and exercising this right. But legal rights differ from place to place. People in some countries do not have a legal right to vote.

Moral rights differ from legal rights in one important sense. Having a moral right is not a matter of living under a particular legal system. Regardless of what country you live in, if something is a moral right, then you have it whether or not the law protects it.

Second, *moral rights are claims that society should enforce*. What this means is that if we are persuaded that people really have a right, then we recognize that we have to do something to make sure they can exercise the right. That is why people make so many rights claims, and it is why we take them so seriously.

Third, *moral rights imply duties*. This means that if someone has a right to something, somebody else has a duty to see to it that the right is respected. There are two different ways of understanding the correlative duties. The first view is called the negative rights view. On this view, if someone has a right to something, then everyone else has to get out of their way when they want to exercise this right. A more formal definition is: *If P has a right to X, then everyone else is required to refrain from interfering with P's having X*. Let's consider an example. There is some agreement that persons have a right to life. On the negative rights view, this means that one must refrain from killing anyone.

The contrasting view is called the positive rights view. This view grows out of the insight that refraining from interfering is often not sufficient to protect someone's exercise of a right. Here's an example. Suppose a person is visiting someone with small children, and she observes one of them slipping under water in the pool. Suppose further that she is in the pool next to the drowning child and could merely reach out her hand and pull the child to safety, but that she chooses instead to do nothing and watch the child drown. It appears that she has satisfied the negative rights standard with respect to the right to life—she did not kill anyone—and yet many would argue that what she did (or did not do) is the same as killing.

This kind of example has prompted some people to add a further clause to the understanding of a right: Respecting rights involves not interfering, but it also involves helping when help is needed. The formal definition is: *If P has a right to X, then everyone else is required to refrain from interfering with P's having X AND should cooperate, when necessary, in P's having X*.

These two different ways of explaining what it is to respect rights marks a major divide in social and political debates. Libertarians embrace a negative rights view, and liberals embrace a positive rights view.⁹

The fourth feature of moral rights is that *they cannot be waived*. What this means is that if a person has a right, he cannot give it up, even if he wants to. Suppose a woman wants to give up all her choices in a marriage contract. She agrees to stay with her husband until she dies, accept whatever treatment he sees fit to mete out to her, and do whatever he asks of her. Would such a contract be morally enforceable? Defenders of the moral rights tradition say that it would not be because this contract ignores her right to liberty and her right against harm. A formal definition of this condition is: *If P has a right to X, then P cannot give up his/her claim to X*.

There are two more conditions for moral rights. The fifth is that a right takes precedence over all other considerations. The formal way of stating this is that *rights cannot be overridden*. That is: *If P has a right to X, P's claim to X counts more heavily than any other consideration*. What this means is that if one has a right to something, then you cannot take it away even if doing so would create good consequences. You've probably noticed by now that philosophers love to think up examples. Here's an example that illustrates this condition. Suppose that you have a spleen with wonderful properties. Medicine could use your spleen to create endless supplies of blood products that would cure some types of cancers. Is it okay to take your spleen without your permission? Most people would say no. What this suggests is that there is a right here. Philosophers call this right the right to bodily integrity. Let's change the case and make it your heart. This case is even clearer, since taking your heart would kill you. Now we are dealing with two rights: the right to bodily integrity and the right to life. Let's change the example again. Suppose they just want the

dandruff that has fallen onto your shoulders. We'll let you think about this one.

The last condition is that rights apply to everyone. You don't have them because you live in a certain country or are a certain gender or social class. The formal way of saying this is that *rights apply universally*. Thus, *if P has a right to X, then anyone else in P's situation would have a legitimate claim to X*.

Who Has Moral Rights?

There are ongoing debates about who has moral rights. Some people have said that only humans have rights, and that they have them regardless of their mental or physical status. Some have wanted to include animals. Whatever your answer is, you have to defend it by showing that members of your group have particular characteristics that make them right-holders. Remember that Kant picked out rationality and moral agency as the two criteria for being a person worthy of respect. Many in the rights tradition would agree with him. Other people would want to add another property: the ability to have appropriate emotions and attachment to others. When we use Kant's criteria, it looks like we would have to say that most humans have rights. People who want to include animals as right-holders either have to show that animals can be rational moral agents with emotions and ties of affection, or that we need a different analysis of what a right-holder is. Since humans are often seen as the paradigm right-holders, the term "moral rights" is often used interchangeably with "human rights."

We are now ready to state a decision procedure for rights.

► Decision Procedure

1. What possible rights are involved?
2. Are these really rights?
 - a. Should society enforce this claim for everyone?
 - b. Do we have duties with respect to X?
 - c. Can P give up his/her claim to X?
 - d. Would it be okay to ignore X if it conflicted with some other consideration?

3. Are the rights being violated?
4. What would respecting these rights require?
5. If rights are coming into conflict, how can we balance them?

► Exercise 3.5

There are two important social issues that are talked about in terms of rights: smoking and health care. Do you think we have a right to smoke? To health care? Answer these questions using the decision procedure above.

Character and the Virtuous Person

The other characteristic of integrity we will discuss in this chapter is virtuous character. (For the remaining characteristics from the outline at the beginning of the chapter, see Chapter 4.) "Virtue" is an old-fashioned word nowadays. We are now more likely to describe someone in terms of psychological diagnoses than in terms of their character. However, we think there is much to gain from a return to thinking about persons in terms of their characters.

Aristotle had insightful things to say about character, and philosophers still look to him when they are thinking about virtue.¹⁰ He said that a good person is virtuous, meaning that a good person has the right virtues in the right balance. A virtue is an abiding (not fleeting) trait of a person's character. We say of someone, "Oh, that was so in character," or, "He doesn't usually act that way." For Aristotle, a virtue is the mean between two extremes. For example, it is not good to be greedy, but it is not good to give away so much that you cannot care for yourself. We can balance these two tendencies by being generous and prudent.

Should everyone have the same virtues? Should one's dentist and one's favorite artist have the same kind of character? We think they should to a certain extent, but beyond that we probably want them to be a bit different. For this reason, it makes sense to talk about two different kinds of

virtue. These can be called general virtues and special virtues. We define a general virtue in the following way: *A general virtue is an abiding character trait that makes one a good friend and a good citizen.*

While there are some virtues that all humans should possess regardless of their particular circumstances, there are other virtues that we want only some people to have. We call these special virtues. *A special virtue is an abiding character trait that helps you to fulfill your function in society well.* So one's dentist should share a lot of virtues with one's favorite artist, but beyond that we would probably want the dentist to be clean, whereas we might not require this of an artist.

We can define vice in terms of virtue. A vice is a character trait that undermines your ability to function as a good friend and a good citizen, and thereby prevents you from fulfilling your function well.

We can now think about some character traits we would want people, especially those who are leaders in some way, to have. One may think *courage* would have to be on the list. Think again of some morally dubious people you have encountered. Like bad families, bad people can be bad in different ways, but one way a person can be bad is if he or she refuses to ever go out on a limb. We don't want our leaders to be foolhardy, but we do want them to stand up for what they think is right even when it is hard to do this. The second virtue we would include is *honesty*. It is hard to work with someone whom you cannot trust, who says one thing and does another. The last virtue we believe is critical is humility. *Humility* is the balance between arrogance and total self-effacement. We have all had to deal with arrogant people. They do not listen to anyone, they always think they know best, and they try to force everyone else to go along with them. Self-effacing people, in contrast, are never willing to trust themselves to know anything. They constantly defer to others. Most of us have experienced this kind of leadership as well. We call it "leadership-by-who-talked-to-me-last."

There are other possible virtues, and different virtue traditions have focused on different sets of virtues. In what follows, we will mention two traditions: Aristotle and the Christian tradition. We will discuss the Confucian virtue tradition in more detail in Chapter 5.

In the *Nicomachean Ethics*, Aristotle gave a fairly comprehensive list of virtues and how they can be shown to be means between extremes (he

discusses courage in Book 3, the rest in Book 4; Justice is discussed in Book 5). This list is summarized in Table 3.1.

TABLE 3.1 Aristotle's List of Virtues

<i>Extreme of Too Much</i>	<i>Mean</i>	<i>Extreme of Too Little</i>
recklessness	courage	cowardice
extravagance	generosity	stinginess
vulgarity	magnificence	miserliness
vanity	high-mindedness	pettiness
short temper	gentleness	apathy
obsequiousness	friendliness	grouchiness
boastfulness	truthfulness	self-depreciation
buffoonery	wittiness	boorishness

It is reasonable to ask what Aristotle meant when he said virtue was a mean between two extremes. He offered two answers. First, a mean is that between too much and too little of a disposition. This is not an arithmetical mean but a mean relative to individuals. He used the example of athletes in training and how much they should eat. The mean will differ for each athlete, depending upon the athlete's size and level of training. An athlete who is expending a large number of calories needs to make sure to eat enough calories. An athlete who is building muscles needs to make sure to eat enough protein. There is no set amount that each of these athletes must eat; we must decide in each case what is too little or too much. Second, hitting the mean with respect to virtue is having a given disposition at the right time, in the right place, toward the right person for the right reason, and in the right way.

It's not clear that these two explanations are compatible. The second characterization suggests that sometimes one ought to be furious and sometimes only slightly angry, depending on the situation, while the mean in the first sense between short temper and apathy is gentleness. Since Aristotle's commentators are still divided on this issue, we suggest you pick the one that makes most sense for you. You could use the fol-

lowing practical strategy for hitting the mean: Keep away from the more dangerous error, and avoid errors you are personally tempted to fall into.

When we look at the list of Aristotelean virtues, it is important to remember that Aristotle had a particular type of person in mind: a person of authority and power in a society where such people were also the warriors who protected the society from outside threats. The list of virtues Aristotle gives allows for a thriving society of this kind. Other traditions have different lists of virtues, in part because they support a different kind of society. Important virtues in the Christian tradition, for example, include faith, hope, charity, chastity, humility, and obedience, and these virtues support the monastic tradition. We will look at a fuller list of Confucian virtues later, but note that they are supposed to provide for flourishing families, which in this tradition are the foundation for a flourishing state. You need to decide for yourself what virtues you think should be cultivated. Begin by thinking about what a good society would look like, and then ask yourself what virtues people would have to have to be good friends and citizens in that society. Then you can catalog special virtues by looking at the roles you think would exist in that society.

Becoming Virtuous

Confucius wrote many insightful and timely things about virtue. We especially like his discussion of how to become virtuous. In the *Analects* he is quoted as saying: "At fifteen my mind was set on learning. At thirty my character had been formed. At forty I had no more perplexities. At fifty I knew the Mandate of Heaven. At sixty I was at ease with whatever I heard. At seventy I could follow my heart's desire without transgressing moral principles."¹¹ Here is our reading of what Confucius meant:

- 1: We are taught by our elders what actions are considered virtuous. Most of us are lucky enough to have parents and teachers who taught us the right thing. This raises the question of whether people who missed this part of their early education can ever be virtuous. We think they can, because we all have the ability to reason

about what kind of a life we want to live and what kind of a world we want to live in. There are some other people who were damaged in a much more serious way in their early childhood. These people were abused and neglected as children. Some of these people will never be able to develop enough empathy and trust in the world to be virtuous. This is a lesson for all of us. We have a responsibility to make sure that children grow up in a way that makes it possible for them to become virtuous members of society. This is necessary for their happiness and for a flourishing society for the rest of us.

- 2: When children are well taught, they develop habits of behaving a certain way even though they don't really understand why this is the right way to behave.
- 3: Much later, we begin to understand what is virtuous. At this point, we have questioned what we've been taught and come to understand it. We have also had the opportunity to reflect on what we should keep and what we should give up. It is now our responsibility to practice the habits of virtue. If we behave in virtuous ways we will stay on the path of virtue.
- 4: At this point in our lives, we have a pretty good understanding of what is virtuous, and we are trying to stay on the path of virtue. We want to be virtuous, but sometimes we fail because we have not gotten our desires under control.
- 5: Finally, for those of us who do reach this stage, our desires and the dictates of virtue coincide. We are no longer tempted to behave in a vicious way because we have no desire to do so. Now, it is extremely unlikely that any of us will ever reach this stage. Confucius himself claimed that he never did. Still it is good to keep our eyes on this goal because it will help keep our feet on the path to virtue.

Why Be Virtuous?

Like the shepherd in the fable of Gyges' ring that Plato recounts in *The Republic*, we may wonder whether we should be virtuous when we think no one will notice.¹² This fictional shepherd found a ring that made him

invisible. He used it to do all the bad things he'd always wanted to do. Why shouldn't we all do the same thing? There are two answers. The first is that we want others to be virtuous because we value good friends and a good and efficient society. Fairness demands that we ask the same thing of ourselves. Besides, we are "other" to the other people around us. Another answer comes from Plato and Aristotle. We should be virtuous because true human happiness can only be achieved in a virtuous life. Try the deathbed thought experiment again here. Imagine you are on your deathbed. What kind of a person would you want to be? What do you want people to say about you at your funeral?

Though Aristotle and Plato agreed that moral virtue is necessary for happiness, it is not enough. Aristotle thought we would also need a basic level of material well-being, intellectual virtues, and good friends.

We've seen how we can become virtuous. Since none of us is perfectly virtuous yet, we need guidance to help us be virtuous right now. It might help to ask why anyone would fail to be virtuous, since it is part of a happy and complete life. Aristotle distinguished between four types of people: (1) the temperate person—the person who wants to do the right thing and who succeeds without conflict, (2) the continent person—the person who wants to do the right thing and usually does so, but with conflict and struggle, (3) the incontinent person—the person who wants to do the right thing but often doesn't, and (4) the licentious/intemperate person—the person who doesn't want to do the right thing. The first is the truly virtuous person; the second and third are on the way to being virtuous, and the last is the true villain. This division mirrors Confucius' description of becoming virtuous. As adults, we cannot change the way we were raised, but we can change our character nonetheless. We can begin by resolving to become more virtuous. We can then use the following strategy in assessing our everyday conduct.

► Decision Procedure

1. What virtues/vices could (did) we display?
2. What role did these virtues/vices play in how we behaved?
3. What will be the effect on our character of behaving this way?

4. What virtues should have been displayed?
5. How would things have turned out differently if these virtues were displayed?
6. How can we become more virtuous in the future?

► Exercise 3.6

Spend some time thinking about what you want to be able to say about yourself on your deathbed. What will you want to have accomplished? What kind of a person do you want to be? If you could go to your own funeral, what would you want people to say about you? What kind of a society would you have wanted to live in? What kind of a role would you have wanted to play in that society?

Conclusion

In this chapter, we introduced a model of the person of integrity. We discussed the first three characteristics: the ability to sort out consequences, respect for others, and virtuous character. In the next chapter, we will look at the next three: care, fairness, and understanding of one's professional obligations.

► Study Questions for Chapter Three

1. What are the characteristics of people with integrity?
2. What is Act Utilitarianism? How would you use it to make a moral decision?
3. What are the alternative concepts of social utility? How do they differ?
4. What are four major problems for Act Utilitarians? How might they respond?
5. What is Rule Utilitarianism? How would you use it to make a moral decision?

6. How does Rule Utilitarianism differ from Act Utilitarianism?
7. What is Kant's first version of the Categorical Imperative? What does it mean for a principle to be reversible? What does it mean for a principle to be universal?
8. What is Kant's second version of the Categorical Imperative? What does it mean?
9. How might Utilitarianism conflict with Kant's approach?
10. What is a moral right? What are the key features of moral rights? Explain each.
11. Who has moral rights?
12. What is a virtue?
13. What does Aristotle mean when he says that a virtue is a mean between two extremes?
14. Give some examples of Aristotelean virtues. How are these means between extremes?
15. How does Confucius describe how one becomes virtuous?
16. What is weakness of will? What role does it play in Aristotle's virtue theory?

NOTES

1. Jeremy Bentham, *The Principles of Morals and Legislation* (originally published 1789) (Amherst, N.Y.: Prometheus Books, 1988).

2. John Stuart Mill, *Utilitarianism* (originally published 1863), available in *The Basic Writings of John Stuart Mill: On Liberty, The Subjection of Women, Utilitarianism*, edited by J. B. Schneewind (New York: Modern Library, 2002).

3. The contemporary distinction between Act and Rule Utilitarianism was made by Richard Brandt, but some argue that the distinction was originally made by Mill. See Brandt, *Ethical Theory* (Englewood Cliffs, N.J.: Prentice Hall, 1959).

4. See David Lyons, *Forms and Limits of Utilitarianism* (Oxford: Oxford University Press, 1965).

5. Immanuel Kant, *Groundwork of the Metaphysics of Morals* (originally published 1785), translated by Mary J. Gregor (Cambridge: Cambridge University Press, 1998).

6. See the second section of Kant's *Groundwork* for an explication of the three versions of the Categorical Imperative.

7. Kant distinguished between imperatives of prudence—hypothetical imperatives—and imperatives of morality. Hypothetical imperatives apply to you if you have a particular desire. Suppose you desire to buy the safest car you can get. If you think Saabs are safe cars, then you will want to take a look at them. So for you the imperative "Look at Saabs" applies. But if you want the sportiest car you can get, perhaps you will look elsewhere. The imperatives of moral-

ity do not depend on whether one has a particular desire, and thus he called these imperatives categorical. He gave three versions of the Categorical Imperative, though he says that they are all versions of the same idea.

8. Kant, *Groundwork*, 6.

9. For a discussion of Libertarianism, see Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1977). For a discussion of Liberalism, see Richard Epstein, *Skepticism and Freedom: A Modern Case for Classical Liberalism* (Chicago: University of Chicago Press, 2003).

10. Aristotle, *Nicomachean Ethics* (originally written circa 335–322 BCE), translated by Terence Irwin (Indianapolis: Hackett Press, 1985).

11. Confucius, *The Analects*.

12. Plato, *The Republic* (originally written circa 380 BCE), translated by G.M.A. Grube (Indianapolis: Hackett Press, 1992).