

# Rule-based Approaches to Morality

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# Overview

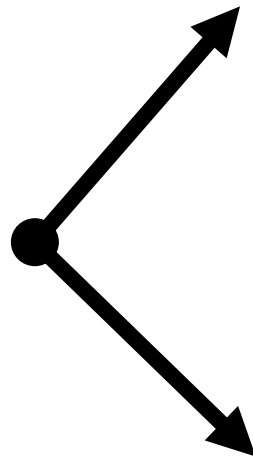
## The Fundamental Contrast: Rules vs. Consequences

### Three Examples of Rule- Based Approaches

- Kant and the Ethics of Duty
  - Universalizability
  - Respect
- Rawls and Justice
- Locke and Human Rights

# Two Approaches to Act-Based Morality

**Act-oriented approaches**



## Consequentialism:

- Look at the consequences and choose the action that has the best consequences

## Rule-based Approaches:

- n Look at the rules and follow the rules (ten commandments, duty, human rights, justice).

# Kant: The Ethics of Rules

More than any other philosopher, Kant emphasized the way in which the moral life was centered on following rules. He stressed rules about:

- Universality
- Respect

For Kant, utility was never sufficient.

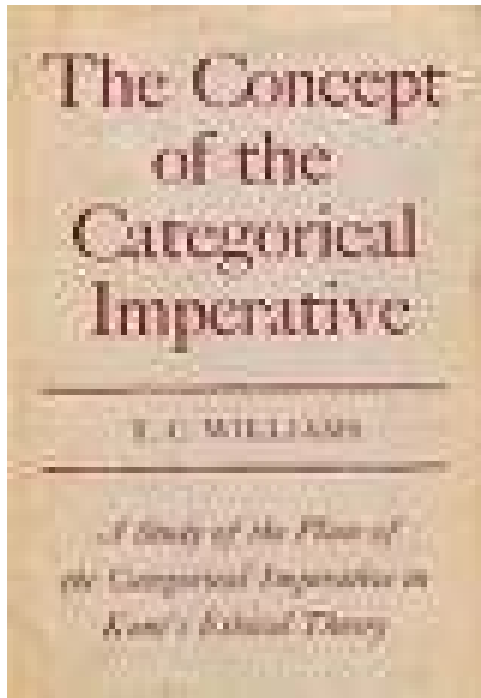


# The Man of Duty

**“Suppose then that the mind of this friend of man were overclouded by sorrows of his own which extinguished all sympathy with the fate of others, but that he still had power to help those in distress, though no longer stirred by the need of others because sufficiently occupied with his own; and suppose that, when no longer moved by any inclination, he tears himself out of this deadly insensibility and does the action without any inclination for the sake of duty alone; then for the first time his action has its genuine moral worth. Still further: if nature had implanted little sympathy in this or that man’s heart; if (being in other respects an honest fellow) he were cold in temperament and indifferent to the sufferings of others—perhaps because, being endowed with the special gift of patience and robust endurance in his own sufferings, he assumed the like in others or even demanded it; if such a man (who would in truth not be the worst product of nature) were not exactly fashioned by her to be a philanthropist, would he not still find in himself a source from which he might draw a worth far higher than any that a good-natured temperament can have? Assuredly he would. It is precisely in this that the worth of character begins to show—a moral worth and beyond all comparison the highest—namely, that he does good, not from inclination, but from duty.”**

*--Groundwork of a Metaphysics of Morals*

# Categorical Imperatives: Universality



**“Always act in such a way that the maxim of your action can be willed as a universal law of humanity.”**

**--Immanuel Kant**

# Lying and Cheating

**Is it possible to universalize a maxim that permits lying?**

- What is the maxim?
  - It's ok to cheat when you want/need to?

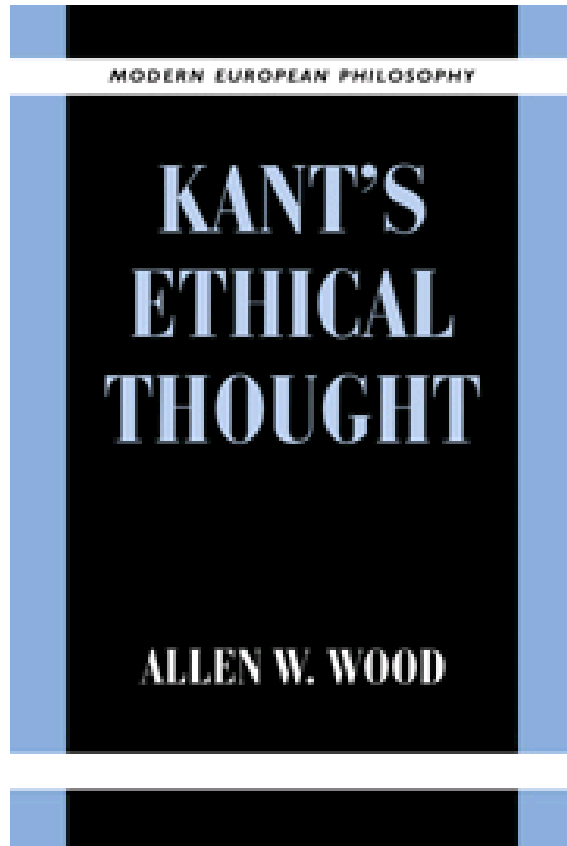
**Can this consistently be willed as a universal law?**

- No, it undermines itself, destroying the rational expectation of trust upon which it depends.

**Cheating involves not playing by the rules. Is it possible for the cheater to will his/her maxim as a universal law?**

- No, because then others (including the teacher) could refuse to follow the rules as well, failing the cheater even with a good grade.

# Categorical Imperatives: Respect



“Always treat humanity, whether in yourself or in other people, as an end in itself and never as a mere means.”

--Immanuel Kant

# Using people as mere means: The Tuskegee Syphilis experiments

The Tuskegee Syphilis experiments were an example of using human beings as a mere means rather than treating them as ends-in-themselves.



(Courtesy National Archives)

## The New York Times

### *Syphilis Victims in U.S. Study Went Untreated for 40 Years*

By JEAN HELLER  
The Associated Press

WASHINGTON, July 25—For 40 years the United States Public Health Service has conducted a study in which human beings with syphilis, who were induced to serve as guinea pigs, have gone without medical treatment for the disease and a few have died of its late effects, even though an effective therapy was eventually discovered.

The study was conducted to determine from autopsies what the disease does to the human body.

Officials of the health service who initiated the experiment have long since retired. Current officials, who say they

have serious doubts about the morality of the study, also say that it is too late to treat the syphilis in any surviving participants.

Doctors in the service say they are now rendering whatever other medical services they can give to the survivors while the study of the disease's effects continues.

Dr. Merlin K. DuVal, Assistant Secretary of Health, Education and Welfare for Health and Scientific Affairs, expressed shock on learning of the study. He said that he was making an immediate investigation.

The experiment, called the Tuskegee Study, began in 1932 with about 600 black men,

# Justice



**Moral philosophers such as John Rawls have maintained that considerations of justice override considerations about consequences and utility.**

# Justice, 2

Consider the opening paragraph's of John Rawls' classic *A Theory of Justice* (1971):

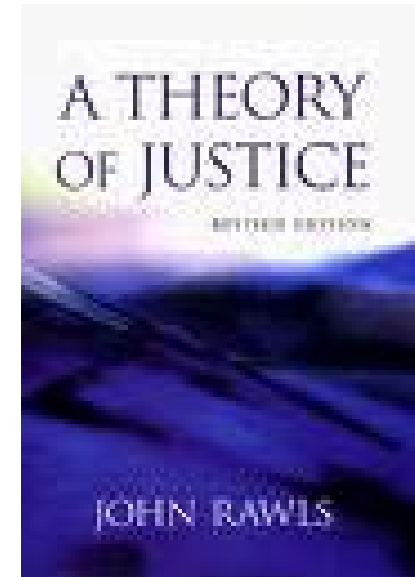
**“Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests. The only thing that permits us to acquiesce in an erroneous theory is the lack of a better one; analogously, an injustice is tolerable only when it is necessary to avoid an even greater injustice. Being first virtues of human activities, truth and justice are uncompro-mising.**

**“These propositions seem to express our intuitive conviction of the primacy of justice.”**

# *A Theory of Justice*

1. Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.
2. Social and economic inequalities are to be arranged so that they are both:
  - to the greatest benefit of the least advantaged, consistent with the just savings principle, and
  - attached to offices and positions open to all under conditions of fair equality of opportunity.

Condition #1 must be satisfied prior to 2, and 2b prior to 2a



# The Difference Principle

When, according to Rawls, is it permissible to treat some people differently—as, for example, we do in affirmative action?

If a system of strict equality maximizes the absolute position of the least advantaged in society, then the Difference Principle advocates strict equality.

If it is possible to raise the position of the least advantaged further by inequality of income and wealth, then the Difference Principle prescribes inequality up to that point where the absolute position of the least advantaged can no longer be raised.

# Rights

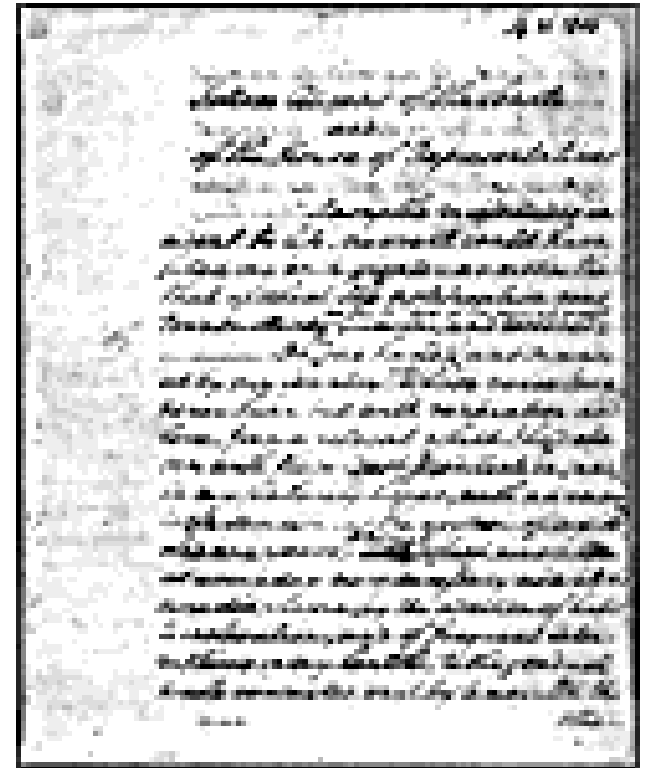


**Theories of human rights provide another kind of rule-based approach to morality in which considerations of utility do not trump rights claims.**

# The Bill of Rights: A Fulcrum for Moral Change

Many of the great movements of this century have centered around the notion of rights.

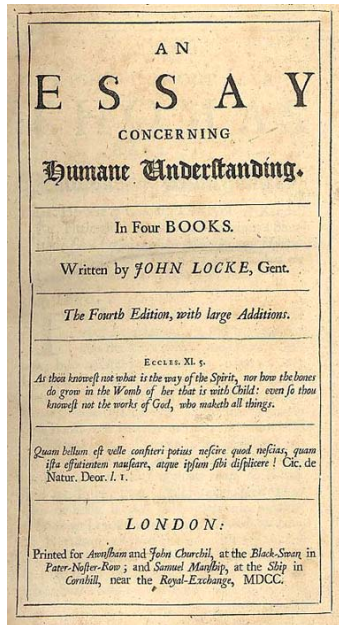
- The Civil Rights Movement
- Equal rights for women
- Movements for the rights of indigenous peoples
- Children's rights
- Gay rights
- Rights for people with disabilities



# Two Concepts of Rights

The distinction depends on the obligation that is placed on those who must respect your rights.

- Negative Rights: Rights to Noninterference
  - Obliges others not to interfere with your exercise of the right
- Positive Rights: Rights to Well-Being
  - Obligates others to provide you with positive assistance in the exercise of that right



# Negative Rights

Negative rights simply impose on others the duty not to interfere with your rights.

- The right to life, construed as a negative right, obliges others not to kill you, but it does not obligate them to come to your aid if you are starving.
- The right to free speech, construed as a negative right, obliges others not to interfere with your free speech, but it does not obligate anyone to provide you with a microphone.

# Traditional Negative Rights

## Negative Rights: Rights to Noninterference

- The Right to Liberty
- The Right to Life
- The Right to Property—especially important in the Lockean tradition
- The Right to Equal Treatment

# Positive Rights

Positive rights impose on others a specific obligation to do something to assist you in the exercise of your right

- The right to life, construed as a positive right, obliges others to provide you with the basics necessary to sustain life if you are unable to provide these for yourself
- The right to free speech, construed as a positive right, obligates others to provide you with the necessary conditions for your free speech--e.g., air time, newspaper space, etc.
- Welfare rights are typically construed as positive rights.

# Conclusion

Each of these sets of moral rules—about universality, respect, justice, and rights—  
involves a clear rejection of  
consequentialism and an affirmation that  
following the rules takes precedence over  
considerations of utility and  
consequences.