Here we begin the task of learning normative ethics, that is, how to make a moral decision. Try not to think of ethical decision making as theory. It is not a matter of telling someone what to do. Good ethical theory should explain how people actually make moral decisions, and tell us how we can learn to organize our thoughts and do a better job. As I said, people actually make moral decisions by looking either to the consequences, or to inherent rights and duties. We will look at the former right now.

Utility. That just means good stuff. Dis-utility. that just means: bad stuff. When you make a moral decision you want to maximize the good stuff and minimize the bad stuff. So, for a utilitarian, do the act that promotes the greatest utility and the least disutility.

As you can see, we are looking to the consequences of the act in order to decide if it is right or wrong.

Consequentialism is a general approach to moral decision making based on the consequences of the action. We ask ourselves the question: "if I do X, what will happen"? A consequentialist suggests that a moral decision is right or wrong based on the results of the action. This, of course, needs to be fleshed out.

The first thing we must then ask is “happen to **whom**”? To me? If I am only concerned about the consequences to myself, then I am what we call an “ethical egoist”. In most consequentialist theories, however, we are typically told to look beyond our self interests, and to focus on the needs of the community at large. We will accept, for practical purposes, the widely accepted axiom, "take that action that is for the greatest good".

Second, we must ask what **kind** of consequences we are concerned about. Usually we look to issues of happiness and unhappiness, or pain and pleasure.

Aristotle says that happiness is “that at which all things aim”. For Aristotle, happiness is the only “final” good, the only thing with intrinsic value or “good in itself”. In other words, all other things we seek, we seek solely for the purpose of finding happiness. We want an instrumental good, like a car, because it gets us where we want to go and allows us to then be happy (say, at the beach). We may enjoy the car itself such that the car makes us happy. Either way, the car is an instrumental good in that it gets us to the only thing that is really good in itself, happiness.

Putting these two together, we get "an action is right if it provides the most happiness and least unhappiness for the greatest amount of people".

Utilitarianism, the consequentialist theory most widely accepted, and put forward by Jeremy Bentham and, later, John Stuart Mill suggests that an action is right if it maximizes happiness for the greatest number of people over the long term, given that everyone’s happiness is of equal value. In other words, when we make a moral choice we must do a cost/benefit analysis where the common denominator is human happiness. An action is good if it creates more happiness than unhappiness. We are concerned here with everyone who might be involved. Each person’s welfare must be considered, and considered equally.

We are concerned with everyone’s happiness equally. No one person’s happiness is more important than any other person’s pleasure. Furthermore, Utilitarians always look to the long term. Utility is never maximized for now. Rather, we attempt to see how the greatest good for the greatest number can be affected over time.

STEP 1: When making a moral decision, take the time to think of everyone that might be hurt or helped by the action. Make a simple “for” column and “against” column. On each side note how much each person involved (society as a whole included if that is relevant) will be helped or hurt by the action. Total it up. The action will be right if the greatest number of people is better off by taking that action. The action is wrong if the greatest number of people will be harmed. You now have half of your answer completed.

This sounds like something one could do on an MS Excel spreadsheet. Actually, Jeremy Bentham, the first real utilitarian, would have thought so. Bentham felt that we could literally create a science of morality by breaking things into units of pleasure and pain. His utilitarian calculus would provide us with the hard scientific and mathematical approach to ethics so desired by the 18th century mind. Of course, today we hardly take so crude a view. Units of utility are more of a qualitative thing that must be argued for. A student must be as persuasive as possible when trying to explain why a harm or benefit will occur. Only detailed persuasive argumentation will do here.

Deontological Ethics

Deontological (deontos is Greek for duty) theories address the moral nature of the action itself. Here we assess the rights people have and what duties might go along with them without consideration given to consequences. I have a right to speak my mind, for example, especially when it is not for the greater good.

The most important deontologist is the German philosopher Immanuel Kant. In most ethics courses one gets into Kant in great detail. We are not concerned here with the details of ethical theory. Kant is complicated. I don't want to spend the time. I would rather we get straight into the issues. So click on his name if you want to know more.

It is important to note that, for every right there is a correlative duty. If I have a right to life, then others have a duty not to kill me. If I have a duty to interest my students, it is only because they have a right not to be bored.

Rights have very specific origins. People seem to think that they have a right to just about anything these days. Simply because an action is **permissible** does not mean that one has a **right** to do it. Walking down the street is a permissible activity. But one does not have the right to walk down any particular street. If the city wishes to close a given street to pedestrian traffic for a legitimate state objective then it can do so without violating anyone’s rights. So where do rights come from?

1.**Human Rights**: Human rights are rights that all people have simply by virtue of being human. The right to life, the rights to practice one’s religion, to speak your mind, these all seem like basic human rights. Eleanor Roosevelt led a delegation from to the United Nations after World War II that wrote a charter of fundamental human rights. This is certainly a good place to start. Religious traditions as well each have their own view of what rights are to be afforded to people.

2. **Civil Rights**: A citizen of any given country has certain rights assigned to him or her by the constitution or other relevant political document of his or her home country. In the United States we have a ?Bill of Rights?, written by James Madison. This document enumerates certain fundamental rights that every American citizen has regardless of the state in which he or she resides. Other civil rights can be found in state constitutions and legal decision. We are often here concerned with issues of affirmative action, race, gender and rights.

3. **Contractual Rights**: Individuals and groups may enter into specific contracts with other individuals or groups. In such case these people have rights that are specified in the contract, either directly, that is explicitly, or indirectly, that is implicitly. The contract will spell out what rights people have within the document and who has the correlative duty. Obviously, contractual rights and duties are extremely important in business. Products come with a warranty contract, working people have employment contracts, employers and employees have contractual responsibilities to each other, and so on.

Rights can also be **negative** or **positive**. A negative right is a right to be left alone. When an employer does a drug test, the employee often claims that his or her right to privacy has been interfered with. A right of non-interference is a negative right. A positive right, on the other hand, is a right to be provided with something. When a worker gets sick in a hazardous work environment he or she will claim that his or her right to be provided with a safe workplace has been violated. The employer then has a positive duty to provide a safe environment.

In step one of normative ethics (in the last module) you would calculate out the utility considerations. NOW:

**Step 2**: Decide in your case whose rights are to be respected. Were basic human rights violated? Did the company have a contractual duty to provide something that they did not, e.g., a safe workplace, or a safe product? Was a civil right violated, e.g., the right to privacy via drug testing? Did the employee fail to live up to a duty he or she owed the company? Is a warranty non-operative because the customer failed to live up to his or her obligations under the agreement? On both sides of the issue you will see rights correlating to duties. Be clear who has an obligation or duty, and to whom. Are the rights positive or negative? Lay them out one at a time on both sides of the issue and see which are most important to you.

NOTE: It is interesting to note that most of the rights in the U.S. constitution are negative rights. Freedoms of religion, assembly, speech, bear arms, cruel and unusual punishment, etc., are all rights of non-interference. When we read the UN charter on human rights, however we find a variety of positive rights not included in the US constitution. For example, the right to be provided with food, shelter, clothing, a job, etc. are not things considered to be fundamental rights by the US government.

**PUTTING IT ALL TOGETHER**

When faced with a moral problem a person has to assess both the consequences and the rights involved. Who will be harmed and who hurt? What rights are involved and who has a duty to act? In each case a mixture is to be found. On each side, pro and con, there will be utility considerations and Deontological concerns.

Final Step:

Now comes the hard part; **you must make a decision**. How you will decide the issue will depend on your own values. No professor can, or should, tell you what to value. An employee’s right to privacy, and an employer’s duty to honor it, may be extremely important to you. Then again, you may feel strongly that an employer’s right to know something important about his or her employees (e.g., drug use) is much more important than an employee’s privacy. Perhaps in the case of drug testing you may feel that, in some instances, the employer’s duty to provide a safe work environment, or product to the customer, outweighs the employees right to privacy (e.g., with airline pilots). The important point remains that the rights and duties in any situation are the same no matter the values and/or cultural perspectives of the person. No matter who you are, you must identify these relevant deontological considerations. However, the individual’s values will determine which considerations are more important. All a professor can do is provide this structure, present the case, and help the student to think it through. Each student must bring his or her own values to the table to make a determination. And that is the beauty of ethics. Plug your values into the equation and make your decision.