Ethics of Respect for Persons

With Utilitarianism, a harm to one person can be justified by a bigger benefit to someone else.

“Respect for Persons” (RP) Analysis
There are some things you can’t do to a person, no matter how much it will benefit someone else.

“Treat each person as an end in herself, not merely as a means to some other end.”

Right actions are the ones that accord respect to each person as a free and equal moral agent.
Moral agent: being capable of freely choosing goals and purposes

Rights Test
Utilitarianism “You must work to maximize good”
Rights Test “You are free to do whatever you want as long as it doesn’t violate or infringe on anyone else’s rights.”
Other people’s rights are restrictions on your actions.

Person X has a right = Everyone else has a duty to:
to life = not kill X
to bodily integrity = not cause bodily harm to X
to mental integrity = not cause debilitating mental harm to X
not to be deceived, cheated, stolen from, defamed, have promises broken

Rights demand only non-interference with X, not active support of X’s interests

Hierarchy of Rights:
Tier 1: life, bodily integrity, mental integrity
Tier 2: right not to be deceived, cheated, stolen from, defamed, have promises broken, right to privacy, to free speech
Tier 3: right to try to acquire property, non-discrim., self-respect
(Lists are not complete.)
Rights Test:
1. Identifying conflicting obligations, values, and interests.
2. Formulate the alternative actions.
3. Determine the audience.
4. List rights violated or infringed on by each action and the level of right it is.
5. Choose the action that involves the least serious rights violations/infringements:
   a. first, judge by level
   b. if violations are at same level, look at number of violations at that level

Case 15:

Karen is a junior engineer at a big oil company. She has been working in a research laboratory for the past 3 years under Andy. Karen has seen that Andy is a smart researcher, but she has noticed that he often smells of liquor. One day Karen overhears that Andy is about to be granted a new and better paid position. Karen is happy for Andy until she learns that his new job will be that of head safety inspector for all the oil rigs that the company owns in the region. Karen worries that Andy's drinking will interfere with his work as a safety inspector in ways that it does not interfere with his present job. She asks Andy to turn down the new position. He refuses. Should Karen take her concerns to management?

Analysis of Case 15:

1. Conflicting obligations, values, interests:
   --safety, loyalty to employer and fellow employees
2. Alternate actions:
   a. Tell management.
   b. Don’t tell.
3. Audience: Karen, Andy, employees of company, employer

4. Rights Test: rights violated/infringed on:
   if do (a): Andy’s right to try to acquire property (3), privacy (2), ?? Right to self-respect (3),
   if do (b): Rig employees’ rights to life (1), bodily integrity (1), right of employer to have promise kept (2)
5. Which action passes test better? (a)–rights violated are lower level than (b).

Not all the interest and values in case involve rights. Only rights matter to the test.

Examples:

a. violates one Tier 1 right
b. violates 3 Tier 2 rights and 2 Tier 3 rights
   (Choose b)
a. violates 2 Tier 2 rights and 5 Tier 3 rights
b. violates 3 Tier 2 rights and 1 Tier 3
   (Choose a)

Utilitarianism: allows trade-offs of benefits and harms between people

Rights Test: helping one person can’t excuse violating the rights of another—preventing violation of several lower level rights can’t justify violation of a higher-level right

Note:
• violations v. infringements e.g. don’t kill but increase risk of death
• X can forfeit *some* of rights by violating rights of others
The Rights Test does not include an obligation to protect the rights of another person against violation by a third party.

Such protection is permitted, unless you would have to violate the attacker’s right to provide that protection.

Note:
Your protection of person A’s rights against violation by a third party is required if you have an explicit or implicit promise with person A to provide that protection.

• E.g. Parents promise to protect child’s rights, employees promise to protect employer’s rights

B. Golden Rule Test

Christianity: “Treat others as you would have them treat you.”

Hinduism: “Let not any man do unto another any act that he wisheth not done to himself by others, knowing it to be painful to himself.”

Confucianism: “Do not do to others what you would not want them to do to you.”

Buddhism: “Hurt not others with that which pains yourself.”

Judaism: “What is hateful to yourself do not do to your fellow man.”

Islam: “No man is a true believer unless he desires for his brother that which he desires for himself.”

Our version of Golden Rule Test:

1. Identify conflicting obligations, values, and interests
2. Formulate the alternative actions.
3. Determine the audience.
4. For each alternative action and each audience member ask:
   Would I be willing to be the recipient of the consequences of my action?
5. Conclusion: don’t choose any action for which you get a “no” answer.

Analysis of Case 14:

1. Conflicting obligations: to be fair to other vendors, to help co-worker, to serve employers interests
2. Alternate actions:
   a. Let the inside supplier see bids
   b. Don’t let him see bids
3. Audience: head of purchasing, head of tool and die dept, T&D Inc., outside vendors
4. Golden Rule Test
   Would I be willing to accept consequences of my action if I were the outside vendor?
   No--I’d be upset that my time was wasted
5. Therefore, don’t do (a)

Modification of Golden Rule

Would I be willing to be the recipient of the consequences of my action?

--- if I were in the other person’s situation?
   (David)

--- with her values?
   (Joe)

--- her freely chosen, informed values?
   (DDT)

--- her reasonable/morally permissible values?
   (Andy)

David is thinking about mugging a passerby.

He asks himself, “Would I be willing to be the recipient of the consequences of my action?”

He answers, “Yes, if I were that guy, I’d want me (David) to have more money.”

ACME Chemicals manufactures DDT. DDT is then banned in the US. ACME is approached by a foreign nation to move their factory to their country. ACME comes to realize that the foreign nation has mistaken data about the danger of DDT. ACME asks “If I were this government would I want the DDT factory? Obviously! They do want it!”
Case 16:
Joe believes that we should all live each day to the fullest and not worry too much about tomorrow. So he eats fatty foods because he likes the taste, he smokes because he likes the rush, and he never exercises when he can avoid it. Joe is a civil engineer. He is considering whether to put a big electrical transformer near a residential area. He knows many people worry that living near such transformers raises the chance of getting cancer. “People worry too much,” he thinks.
Should Joe put the transformer there?

Karen asks “Would I be willing to accept the consequences of management being told about my drinking problem if I were Andy?”
“No, therefore, I shouldn’t tell management.”

Al discovers that his company has been underpaying its federal income taxes. He wonders whether he should report his employers to the authorities.

C. Self-Defeating Test
1. Identify conflicting obligations, values and interests.
2. Formulate the alternative actions.
3. Determine the audience.
4. For each alternative action, ask “If everyone did what I am doing… …would I be able to do what I am doing? …would I be able to achieve the purpose or goal I have in mind?”
5. If the answer is “no”, then you do not perform the action.

Case 17:
Alex is the production manager for Walters, Inc., a manufacturer of high-tech water filtration devices. One of his clients, Xavier, Inc., calls. It is important to them that they receive a new shipment of filters by the end of the month. They ask if Alex can agree to that date. Alex realizes that if he does not promise to meet Xavier’s deadline, then Xavier will call Alex’s competitor. Alex also realizes that he cannot fill the order by that date. Should Alex promise Xavier to have the filters ready by the date requested, even though he knows he will not be able to fulfill that promise?

Self-Defeating Test Analysis of 17:
1. Conflicting obligations: to employer, to client, to keep promises, to tell the truth
2. Alternate actions:
   a. Make the false promise.
   b. Don’t make the promise
4. Self-defeating Test of action (a):
   If all businesspeople made false promises, would Alex be able to make the false promise?
   --No. If all businesspeople made false promises, the practice of verbal promise-making would disappear. Alex couldn’t make this promise at all.
5. (a) fails test; Alex should do (b)

Case 18:
Teresa also works for Waters, Inc. The company specifications say to use part A in their products because A is a reliable part with a good reputation, which impresses Waters, Inc.’s clients. Teresa realizes that part B—a cheaper product with no reputation—will do the same job almost as well. Teresa’s department will show a bigger profit, and Waters’ customers are unlikely to check the part to see whether it is an A or a B.
Should Teresa substitute the cheaper part?
Self-Defeating Test Analysis of 18:
1. Conflicting obligations: to client, to employer, to tell truth
2. Alternate actions:
   a. Substitute cheap part
   b. Don’t substitute cheap part.
3. Audience: Teresa, Waters, Inc., Waters’ customers
4. Self-Defeating Test of action (a):
   If all manufactures substituted cheap parts, would Teresa be able to increase profits by doing so in this case?
   --No. Customers would learn to check the parts. *Teresa wouldn’t be able to make the profit.*
5. Since (a) fails test, so she should do (b).

Self-Defeating Test of Al’s Case:
Option 1: Al refuses to report his employer.
If all employees refused to turn in their employers for tax evasion out of company loyalty, could Al still refuse to turn in his employer out of company loyalty?
Yes, he could.
Action PASSES the self-defeating test.
Does that PROVE that the action is morally acceptable?
THE SELF-DEFEATING TEST CAN ONLY RULE ACTIONS OUT!

Problems with RP Morality:
Rights Test:
1. Rights violations sometimes seem justified by consequences for general welfare
   --“Saving villagers” case
   --Benzene case (Ch. 4)
2. Only tracks what is owed to other people
   There are other things that we MORALLY OUGHT to do besides give people what they are owed/what they can justly demand of us
   e.g. charity

Golden Rule Test:
Does better with things like charity.
Violations of Golden Rule sometimes seem justified by GREAT gains in utility
   --villager case
Self-Defeating Test:
Can only rule actions out.
Will rule out some harmless actions,
e.g. “Taking the back roads to the beach”

Utilitarianism and RP
1. Convergence
2. Divergence
   Give RP priority unless utilitarian considerations are large.
   Or RP violations are relatively minor