PEARSON NEW INTERNATIONAL EDITION

Ethics
Theory and Practice
Jacques P. Thiroux   Keith W. Krasemann
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6. Do you agree with the requirements of punishment? Why or why not? To what extent do you agree that punishment should be meted out within the legal system?

7. Describe and explain the three theories of punishment. Which do you think is most valid? Why?

8. Which is the more important principle in punishing: giving people what they deserve or punishing only if you can bring about good consequences? Why?

9. What should be emphasized in punishment: the deterrence and rehabilitation of the offender, the deterrence of others, or the protection of society? Why?

10. To what extent should restitution to or compensation of victims be a part of any system of punishment? Answer in detail.

11. What is a right?

12. What relationship holds between rights and obligations or moral duties?

13. Explain the difference between moral rights and legal rights.

14. List and explain positive contributions that human rights have made to civilization.

15. What are some of the problems associated with the notion of human rights and rights-based thinking?

Discussion Questions

1. Whenever you have had occasion to reward or punish someone, which of the three theories have you drawn upon, and why?

2. How do we in America generally reward, punish, or distribute good or bad, and which theories do you think we basically follow? Give specific examples and illustrations to support your main points.

3. How effective do you feel our judicial and penal systems are in punishing or rehabilitating criminals? Why? Again, give specific examples and illustrations.

4. To what extent do you feel that the purpose of punishment is to (a) protect society, (b) punish criminals, or (c) rehabilitate and reform criminals? Why? Answer in detail.

5. When you have had occasion to distribute good or bad to others, which of the many ways described have you used? Why? Have you found yourself using different ways for different situations and people? Which, and why? Answer in detail.

6. What method of reward and punishment is used in your family, and how does it fit in with the three theories? Does it work? Be specific.

7. Analyze any group or institution of which you are or have been a member (e.g., church, school, the military, sports team, or honorary club or society in school or out of it), and describe what theories are or have been used in distributing good and bad and in rewarding and punishing. Do you believe that the methods are fair and just? Why or why not?

8. To what extent do you feel that as a country and a people we should take care of our less fortunate and "needy" members, and why? How should this be done—through private donations, government support, or both? If private donations are not sufficient, should we through government taxation ensure that these people are cared for? Why or why not?

9. In his historic acceptance of his party's nomination for President of the United States, Sen. Barack Obama (D. IL) stated that it is every American's birthright to have a college education. Is this a basic human right? What basis can Obama cite for such a claim? What are the implications of this declaration?

Ethics Problem

Who Gets to Stay on the Lifeboat?

Ecologist Garrett Hardin (1915–2003) proposed the metaphor of a lifeboat to help us think about resource distribution in a world fast approaching limits.[25] Hardin's view, called "Lifeboat Ethics," looks at trends such as population increase, resource depletion, and the carrying capacity of land to make a case against helping the poor. Although we all have basic needs, some people must be denied. Lifeboats, metaphorically, refer to wealthy nations.

Consider the example of a lifeboat with a capacity of 50 persons. The ship is sinking and there are not enough lifeboats. You are safe on a lifeboat filled to capacity, but there are still 100 people in the water. What do you do? All need to get in the lifeboat, or they will not survive. But, the lifeboat is full. Who should stay and who should go, and why? What criteria do we use to make decisions in a world of limited resources? Do an Internet search on lifeboat ethics and also see Alfred Hitchcock's film *Lifeboat*.

Notes

1. William Morris, ed., *The American Heritage Dictionary of the English Language* (Boston, MA: Houghton Mifflin, 1978), 113.
2. Ibid., 1060.
3. I am heavily indebted to John Hospers, *Human Conduct: An Introduction to the Problems of Ethics*, 2nd edn. (New York: Harcourt Brace Jovanovich, 1982), 306–8, for these elements.
4. Paul Ramsey, *The Patient as Person* (New Haven, CT: Yale University Press, 1970), 239–52.
5. Ibid., 246–47.
6. Ibid., 259–66.
7. Ibid., 252–59.
8. Hospers, *Human Conduct*, 321–22.
9. Ibid., 328–30.
10. Francis H. Bradley, *Ethical Studies* (London: Oxford University Press, 1876), 26–27.
11. Hospers, *Human Conduct*, 341.
12. Ibid., 331.
13. Tom Topor, *Nuts* (New York: Samuel French, 1981), 66–67.
14. Hospers, *Human Conduct*, 334.
15. Randy Shilts, *And the Band Played On* (New York: St. Martin's Press, 1987), Chapter 13.
16. Charlotte Bunch, "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights," *Human Rights Quarterly* 12, no. 4 (November 1990): 486–98.
17. Ronal Dworkin, "Taking Rights Seriously," in *Quest for Goodness: An Introduction to Ethics*, 2nd edn., ed. Keith W. Krasemann (Needham Hts., MA: Pearson, 1999), 772.
18. Thomas Jefferson, "The Declaration of Independence," in *Quest for Goodness: An Introduction to Ethics*, 2nd edn., ed. Keith W. Krasemann (Needham Hts., MA: Pearson, 1999), 821.
19. John Boatright, "The Concept of a Right," in *Business Ethics: Problems, Principles, Practical Applications*, 2nd edn., ed. Keith W. Krasemann (Acton, MA: Copley, 2004), 162.
20. John Stuart Mill, "On the Connection Between Justice and Utility," in *Business Ethics: Problems, Principles, Practical Applications*, 2nd edn., ed. Keith W. Krasemann (Acton, MA: Copley, 2004), 169, 170.
21. Joel Feinberg, "The Nature and Value of Rights," in *The Individual and the Political Order: An Introduction to Social and Political Philosophy*, ed. Norman E. Bowie and Robert L. Simon (Englewood Cliffs, NJ: Prentice-Hall, 1977), 78.
22. Jack Donnelly, "Human Rights and Asian Values: A Defense of 'Western' Universalism," in *East Asian Challenges for Human Rights*, ed. Joanne R. Braver and Daniel A. Bell (Cambridge: Cambridge University Press, 1999), 61.
23. Declaration of Human Rights.
24. Chandra Muzaffar, "From Human Rights to Human Dignity," in *Debating Human Rights*, ed. Peter Van Ness (London: Routledge, 1999), 25–31.
25. Garrett Hardin, "Lifeboat Ethics: The Case Against Helping the Poor," *Psychology Today*, September 8, 1974, 38–43.

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"The Declaration of Independence," Thomas Jefferson (* Note: Final Version)
"Is There a Torturous Road to Justice?" Alan M. Dershowitz.

Setting Up a Moral System: Basic Assumptions and Basic Principles

Setting Up a Moral System: Basic Assumptions and Basic Principles

At this point in a course in ethics or in most texts on ethics, students usually throw up their hands in frustration, saying, "If all of the ethical theories and systems are so full of problems, then perhaps there is no such thing as a workable and meaningful moral system. Perhaps morality is relative to whoever sets it up and to no one else." Too often teachers of ethics courses and authors of ethics books do very little to alleviate these frustrations, except to say that perhaps students ought to take another course or simply try to do the best they can with the "broken" theories or systems to which they have been exposed. Jacques Thiroux (1928–2006) believed that we can attempt to show the way toward building a moral system that is workable not only for many individuals but also for most, if not all, human beings. Accordingly, Thiroux's theory of *Humanitarian Ethics* marks an important contribution to the study of morality and the entire field of ethics.

OBJECTIVES

After you have read this chapter, you should be able to

1. Identify, define, and explain the major conflicting general moral issues in setting up a moral system.

2. Present, describe, and discuss basic assumptions about what characteristics or attributes any meaningful, livable, and workable moral system or theory should contain.

3. Try to resolve the central problem areas of morality—which are how to attain stability, unity, and order without eliminating individual freedom by the establishment of basic ethical principles.

4. Establish and justify the priority in which the five basic principles should be applied.

In order to build a workable and meaningful moral system, we need to point toward the reasonable synthesis. We must try to combine what is best in all of the ethical systems and theories we have examined—religious, nonreligious, consequentialist, nonconsequentialist, individualistic, and altruistic—to arrive at a common moral ground, while at the same time dealing with or eliminating their problems and difficulties. We must search for a larger meeting ground in which the best of all these theories and systems can operate meaningfully and with a minimum of conflict and opposition.

Before doing this, however, it is important to state Thiroux's reasons for writing this chapter: First, Thiroux sought to develop his own ethical system as an important part of his own philosophy of life, and second, to try to show readers how they might go about constructing their own ethical systems.

It is important that readers realize that no one is suggesting they must follow Thiroux's ethical system or accept it in any way. But it is important that they see that it is possible to construct their own systems rather than become frustrated by the problems associated with the other systems. Readers may choose one of the theories or some combination of them, or Thiroux's system if it appeals to them, or their own system. This chapter is not intended to be a form of indoctrination, and students, instructors, and other readers are free to be critical of anything written here. Now that the reasons for writing this chapter are clear, we may proceed to examine conflicting general moral issues, some of Thiroux's ethical assumptions, and basic ethical principles.

CONFLICTING GENERAL MORAL ISSUES

In dealing with traditional ethical theories we discovered several general moral issues that must be resolved or synthesized in some way before we can begin to set up a moral system of our own. They are the issues of consequentialism versus nonconsequentialism, self- versus other-interestedness, act versus rule, and emotion versus reason.

Consequentialism versus Nonconsequentialism

In order to set up a moral system, it is important to decide first to what extent it will be based on consequences and to what extent it will be nonconsequentialist. It was concluded that one simply cannot be moral without taking into consideration the consequences of moral decisions, acts, or rules. At the same time, the difficulty of considering only consequences or ends without regard to means or motives was evident. The cost–benefit-analysis, or end-justifies-the-means, problems brought this home, and Kant's Practical Imperative pointed to a way out of this problem. Thiroux's synthesis of this conflict is to have a basic concern with consequences in one's moral system and yet be aware that the end, even a good end, does not always justify the means or motives leading to it. How these two attitudes are to be synthesized will be shown later in the chapter, after Thiroux's moral system has been presented.

Self- versus Other-Interestedness

Although people certainly are justified when they consider themselves as a vital factor in any moral system they may establish, it is unlikely that ethical egoism, or self-interest, will provide a workable basis for a valid moral system because of its many disadvantages. Therefore, Thiroux takes the utilitarian viewpoint of always striving to bring about the best good consequences for everyone, which, of course, includes self. Given the necessary modifications, Thiroux felt that there is a greater chance of maximizing good consequences and attaining justice and fairness with this approach.

Act versus Rule

Another problem in establishing a moral system is how to allow for the greatest amount of individual freedom while still incorporating stability, security, and order. The act approach allows for the most freedom; the rule approach imposes certain constraints on freedom, yet provides for greater stability. As you will see, an attempt is made to bring in the best of both approaches by establishing rules that nevertheless include a strong element of freedom within them.