

Nonconsequentialism

Nonconsequentialism (NC) holds that some kinds of action (such as breaking promises or killing the innocent) are wrong in themselves. Such actions may be exceptionally wrong or may just have independent moral weight against them.

- This chapter constructs a NC ethics with four parts: prima facie duties, virtues, commandments, and rights. All apply practical reason (including GR) to our biological nature.
- We'll assume two results from rule utilitarianism: pluralism about intrinsic value and the need for some strict rules. Our NC norms also make sense from an RU perspective.

A *prima facie* duty binds us other-things-equal (unless overridden by a stronger duty). Promise-keeping is an example: unless we have a good excuse, we ought to do what we promised. This duty, while not exceptionless, is stronger than a “rule of thumb” about how to maximize good results.

~~“It’s always wrong to break your promises.”~~



I promised to go hiking with my boyfriend.

~~“It’s right to break your promises whenever this has better consequences.”~~



This couple promised to pay me for baby sitting.

Three prima facie duties

Fidelity: Keep your promises.

Reparation: Make up for harm you do to others.

Gratitude: Return good for good.

These duties are relational (oblige us to a specific person), lead to further derivative duties, are based on practical reason (including GR) as applied to our biological nature, and can also be based on a rule-utilitarian perspective. Use practical reason (including GR) to resolve conflicts between prima facie duties.

Beneficence

Do good and not harm, to others and to yourself.

This can be broken into four parts,
arranged in order of decreasing strictness:

- Don't cause harm for the sake of causing harm. (this is always wrong)
- Don't cause harm. (“non-maleficence”)
- Prevent and remove harm.
- Do or promote good. (“beneficence” in a narrow sense)

Virtues

Virtues are good character traits. Plato recognized four basic virtues:

- **Wisdom** is excellence in thinking.
- **Courage** is the rational control of our fear (an emotion).
- **Self-control (temperance)** is the rational control of our impulses.
- **Justice** is the correct ordering of the parts of the soul, whereby the rational part guides the other parts, like emotions and impulses. (Later, “justice” was about treating others fairly.)

Aristotle defined “virtue” as “a state of character concerned with choice, lying in a mean, as determined by a rational principle, as the person of practical wisdom would determine it.”

- Virtue is a mean between extremes; so *courage* is between the vices of *cowardice* (too much fear) and *recklessness* (too little fear).
- Virtues aim at happiness, require appropriate motivation, and grow by practice.
- Good actions and good character traits tend to mirror each other; so we have “Keep your promises” (the principle of action we called *fidelity*) and the virtue of *fidelity* (a character trait).
- Principles of action need to be internalized into character traits. A *good person* is a person of excellent character traits, a person of virtue.

Four commandments

Commandments are moral rules that, typically, forbid common ways to cause harm. Four central commandments forbid **stealing**, **lying**, **adultery**, and **killing**.

- These four are recognized almost universally.
- These can be based on GR consistency as applied to our biological nature. Unlike squirrels, humans have a great need for possessions, speech, and family.
- Applying these norms to concrete issues often requires a heavy dose of practical reasoning, and reasonable people may disagree on details.

Rights and justice

A *right* is what can be justifiably demanded of others. *Justice* is treating others in a way that doesn't violate their rights. Most basic is the *right to equal moral consideration*; in GR terms: "Everyone has the right to be treated by others only as these others are willing to have themselves treated in the same situation."

A **negative right** is a right not to be interfered with (e.g., about religion, speech, life, property, voting, fair trials, etc.).



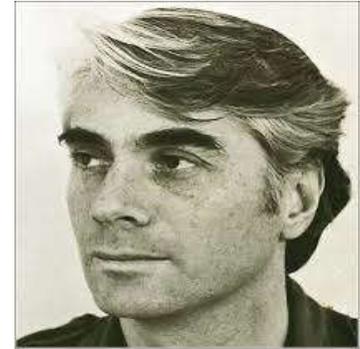
A **positive right** is a right to goods that society should help provide (e.g., education, living standards, health care, etc.).

Libertarians



Libertarians deny positive rights (e.g., universal health care), on the grounds that society can pay for these only by violating the property rights of others; libertarians favor minimal government, free markets, private property, and **unregulated capitalism**.

Robert Nozick: An entitlement view (libertarian)



Whatever you earn fairly, through hard work and just agreements, is yours. If everyone legitimately earned what they have, then the resulting distribution is just – regardless of how unequal it may be.

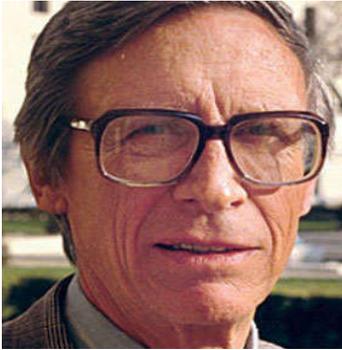
Schemes (like a progressive income tax) that force a redistribution of wealth are wrong, because they violate your right to property. They steal from you in order to give to others.

A socialist society that enforced equality would have to forbid capitalist acts between consenting adults.



Liberals

Liberals support positive rights, a more equal distribution of wealth, and a government actively involved in providing for people's needs. Liberals can support either **socialism** (community ownership of organizations that provide goods and services) or **regulated capitalism**.



John Rawls: *A Theory of Justice* (liberal)

Original position and veil of ignorance: The rules of justice are the rules we'd pick to regulate society if we were free, clearheaded, and know all relevant facts – but didn't know our place in society.

Equal liberty principle: Society ought to safeguard the greatest liberty for each person compatible with an equal liberty for all others.

Difference principle: Society ought to promote the equal distribution of wealth, except for inequalities that serve as incentives to benefit everyone (including the least advantaged group) and are open to everyone on an equal basis.

Distributive justice: How ought wealth to be distributed in a society?



Nozick: you keep
whatever you
justly acquire.



Rawls: equally,
except for incentives
that benefit everyone.

Free will and determinism

Hard
determinism

Determinism is true and
we have no free will.

Indeterminism

Determinism is false and
we do have free will.

Soft
determinism

Determinism is true but
we still have free will.

Does ethics assume free will?

Is punishment morally justified only if we have free will?