Law, Trust, and Ethics

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Mutual Trust is the Basis of Society

Ethics and the Law

Ethical Theories
   A Universal Ethic
Mutual Trust is the Basis of Society

Society is Based on Trust

The Cyprus Problem Genocide and Murder
Society is Based on Trust

We live in a society; almost all people do.

▶ Within our society, the ideal is to have and to guarantee personal freedom.

▶ But freedom is always relative. In the words of a well known saying – Your freedom stops where my nose begins.

▶ Every society depends on its free citizens to follow common rules that govern the peace and security of people and property.

▶ When compliance stops, instability, unrest, anarchy, and civil war follow.
Ethical Codes Enable Trust

- Codes of acceptable behavior come in many forms:
  - professional codes of ethics,
  - religious law,
  - political law,
  - international law,
  - universal ethical standards that transcend all of those forms.

- All such codes are intended as a basis for a society in which people can carry on their daily lives without fear of being attacked or cheated or harmed by others.

- Civilized society needs this level of trust in order to function.
Northern Ireland

Catholics (minority, nationalist anti-monarchy) vs. Protestants (majority loyalist pro-monarchy).

- Ireland was partitioned in 1921, with loyalists in the north and nationalists in the south.

- However, a substantial part of Northern Ireland was dominated by nationalists, setting the scene for civil war. Weapons were supplied by Irish-Americans and smuggled into the civil war zone.

- Between 1969 and 1997, over 3,600 people were killed and over 40,000 people were injured in bombings and shootings, in Northern Ireland and Great Britain.
A Slow End to the Irish Civil War

► In 1994, the first officially sanctioned public peace talks took place between Sinn Fein and British Officials.

► A peace agreement was signed in 1998, but disarmament did not happen until 2006.

► Local government was restored to Northern Ireland in May 2007.

► June 2012: The former leader of the IRA shook hands with Queen Elizabeth, a symbolic move.

► Commerce and normalcy have returned to Northern Ireland.
Ethics and the Law

Ethics ≠ Law

Situational Ethics and Relativism

Utilitarianism

A Universal Ethic
Ethics ≠ Law

Ethics is not the same as Law:

- Ethics goes further: Professional codes of ethics go far beyond laws in defining appropriate professional behavior.

- We try to find universal ethical principles. Laws are not universal. Hitler wanted to live in a society without Jews, and a lot of people were willing to go along with that. Gassing Jews was legal at that time. We would not agree, however, that it was right, moral, or ethical.

- Even after laws are enacted, people often argue militantly that they violate basic ethical principles.
Ethics ≠ Law

<table>
<thead>
<tr>
<th>Ethical</th>
<th>Not Ethical</th>
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<tr>
<td>Legal</td>
<td>Most of the things we do</td>
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<td>Actions considered by the minority to be wrong</td>
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<tr>
<td>Not Legal</td>
<td>Actions considered by the minority to be right or good</td>
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<td>Actions we agree are bad</td>
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Both Legal and Ethical

Most of the things we do are both legal and ethical. People don’t argue about these things:

- Buying a home or a car or a computer.
- Going to school to learn a profession.
- A man and a woman getting married when both are adult and sane.
- Breeding plants to produce disease-resistant strains (as long as we don’t introduce genes from other plants).
Neither Legal nor Ethical

Most civilized people find these things repugnant. There is little debate:

- Leaving a new baby in a dumpster
- Using a child for sex
- Holding a suspected child molester in jail without charging that person with any crime.
- Keeping 40 pit bull terriers in stacks of small unheated cages for breeding. (East Haven, 2010.)
- In the United States, teaching people how to be terrorists.
Ethical Issues

People argue about whether or not these things are ethical.

- Smoking anywhere you feel like smoking
- Music and movie file-sharing
- Stem cell research (using fetal tissues procured by abortion)
- Abortion (killing unborn babies).
- Eating meat (killing animals).

Interestingly, many people believe that abortion is ethical but eating meat is not.
Are they Legal? Ethical?

Many controversial things are legal, or legal in some places but not others. People argue about whether these things are ethical:

- The death penalty
- The war against terrorism
- Genetically modifying plants that will enter our food chain
- Testing cosmetics for safety by rubbing them in the eyes of rabbits
- Gerrymandering electoral districts.

These areas are the hatching grounds for proposed laws.
Legal Issues

Many things are clearly illegal, but large numbers of people think they are ethical.

- Smoking anywhere you feel like smoking
- Growing, selling, and smoking pot for pleasure
- Music and movie file-sharing
- Stem cell research (using fetal tissues procured by abortion)
- Vandalizing a butcher shop.

These issues form the battlegrounds of political activists. Activists work to make their favored moral issues into law.
Laws

- Civil authorities create laws when the heavy majority of their citizens believe that a new law is both needed and right.
- A government cannot enforce a law that is not supported by the people. All power derives from the consent of the governed. [John Locke]
- The tyranny of the majority then becomes a problem. It could happen that the majority of the citizens support a law or a governmental action (such as war against ISIS or same-sex marriage). If the minority is heavily convinced that the law is unfair or wrong, or the action is evil, what happens?
Civil Disobedience

If a minority is convinced that a law is unfair or wrong, or evil –
► In a free society, they protest, write, talk and argue.
► They may or may not sway the majority.
► In frustration, some extremists may “take the law into their own hands” and protest in some illegal way, sometimes believing that it will get attention for their cause. [This week, vegans attacked butcher shops in France.]
► Often, the majority opinion changes, but slowly. Sometimes an opposing force arises with its own screaming and shouting. [Think of the battles over abortion, or guns with two sides equally militant.]
Professional Ethics

Many ethical issues go beyond the law – existing laws simply do not govern them. This is the territory of professional ethics.

► The proper relationship between employer and employee: duty, loyalty, self-interest and the national interest.
► Use of professional knowledge and skills to benefit society, not harm others.
► Your responsibility to follow best practices in your profession.
► Your responsibility when you learn about illegal or unprofessional acts by others.
► Your responsibility with the information that you control.
► Your responsibility, as a world citizen, to others and to the environment.

These issues are the topics of this course.
Informal Ethical Theories

- Common sense and Mom.
- Situational Ethics: if it feels good, do it.
- Ethical Egoism: It is OK if it benefits me the most.
- Subjective Relativism: Morality is an individual’s own creation.
- Cultural Relativism: Each society determines its own morality.
Common sense doesn’t work. The Mom test doesn’t work.

▶ “Everybody knows” what is right and what is wrong. We can all tell good from evil. [Uh... but that is simply not true! What about the woman who drowned her children?]

▶ The mom test: It’s OK if you would be willing to tell Mom about it. [My mom, maybe, but what about the mom who drove the getaway car when her under-16 son wanted to rob a store?]
Situational ethics: it’s OK if it seems OK at the time

The problem is, times change, opinions change, and people change.

▶ A young person went to a clinic for an abortion. People were outside yelling and screaming “murderer”. At the time, though, she thought it was the right thing to do, and went into the clinic for the procedure.

▶ Later she told her friend that she now believes she is a murderer.
Ethical Egoism

- It seems OK to do this, I can’t think of a good reason not to. Everybody does it. [Fondle your secretary’s body.]
- This act supports my larger political agenda. [Hackers who download and post personal data].
- An act is right if it is consistent with the kind of society I want to live in. [Many Buddhists in Myanmar want to live without Moslems. Does that make it ethical to drive out the Moslems?]
Relativism

What kind of society do I, my neighbors, and my friends want to live in?

- Some people want only one race or religion in their neighborhood. Is this OK?
- Do “right” and “wrong” depend on the time and place?
  - Is it ethical, now, to use contraceptives? If so, was it ethical 50 years ago when they were illegal in Massachusetts?
  - Is it moral or immoral to work on Sunday? In 1960, it was illegal in Massachusetts.
Formal Ethical Theories

▶ Objectivism: Ayn Rand. Rational self-interest: the purpose of life is pursuit of one's own happiness, as long as one respects others.

▶ Divine command theory: God provided guidelines through holy books. But organized religions may disagree on right and wrong. [Is it right to suicide-bomb a synagogue?]

▶ Utilitarianism: It is OK if it increases the total happiness of the world.

▶ Kantianism: The effect of my acts on others is centrally important. I must respect their needs as if they were my own.
Objectivism: Ayn Rand and Rational Self-Interest

This is the favored philosophy of the libertarian movement.

- Human beings use senses to perceive reality, that exists independently of consciousness.
- One can gain knowledge from perception through concept formation and logic.
- The proper moral purpose of one’s life is the pursuit of one’s own happiness.
- The only social system consistent with this morality is laissez-faire capitalism.
- Altruism can and should be consistent with self interest.

Question: Is it ethical for a CEO’s salary to be 400 times that of his lowest-paid full time worker?
Divine Command Theory

Our holy books tell us how to live, but there are problems:

- We need ethics for atheists, also.
- What if one holy book conflicts with another?
- What if it conflicts with parts of itself?
- These writings are heavily interpreted by our current “experts”. The resulting opinions vary over time and within our own time.
Utilitarianism

The most good for the most people

- Problem: the prisoner’s life. According to this theory, a condemned prisoner should be killed and his organs harvested for transplant, as soon as enough recipients have been identified with the matching genotype. So is it right to kill because several others will benefit?

- Watch the movie “Breaker Morant” for a thorough consideration of executing one man to save many lives.
A Universal Good?

Can we find a universal definition of “good” and “right”?  

► Is there even one thing that everyone on Earth can agree about?  

► Possibly the worst human act is murder. However, Saddam Hussein, Stalin, and Hitler all believed that society would be better if certain groups of people were eliminated, and they acted aggressively on that belief.  

► There are people today who believe that killing is wrong, in general, but it is right to kill group xxx or people who have done yyyyy, or unborn babies that are unwanted.
Kant Tried to Define Good without God

The golden rule was “improved” by Immanuel Kant

- Kant’s categorical imperative:
  “Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end.”

- “Other people” are ends in themselves. Is it because people are different from dogs? Is this based on the idea that people have a soul or self-consciousness?

- What about other living things (animals, plants, germs)?

- Where does this imperative end? Can I kill a mosquito?

- Is it OK to eat a hamburger? a soybean? a carrot?